*File No.*284.

Collection No. 2.

1893.

RESIDENT'S OFFICE.

BANGALORE.

26.6.'47.

Pros. Serial Nos. 166 to 188.

Subject.

AMENDMENT OF THE BANGALORE MUNICIPAL LAW.

Re: Levy of rent, Destruction of wild birds etc.,

Previous References.	Later References.
	817 34

S. 97. (Blue).

DGFP—486S&P—(G.566)—1-9-31—65,000;

NOTES AND PRECIS.

S. 6.—R. P. B.—5-1922.—5,206.

Margin for binding not to be [illegible]

Office Note.

File No. 294/23

154

Letter No. 9599 *dated the* 11th Oct 1922

from the President, M.C.

SUBJECT.

Regarding an amendment in the Bangalore Municipal Law.

The Hunl Commr. have, with a view to provide for the levy of a tax on race horses, passed a Resolution proposing an amendment in Section 41 (1) (A) (c) of the Bangalore Municipal Law by the addition of the word "racing" after "driving" in the first line thereof. The tax is expected to produce Rs 1500/- a year.

If approved, the G. O'd. may be addressed in the matter.

Draft submd.

C.T.S. 18/10/22

W.S. 18/10.

† Veterinary Hospital file (Cattle pest etc)

Mean type ½ margin in 4 lines. Also mark up the notification amending Bangalore Municipal Law etc and the Section to be amended.

L.S. 21/10

Draft typed ½ margin is submitted.

Please see Sc. 146/294-23 for the note of the G. O'd. amending the Bangalore Municipal Law.

C.T.S. 23/10/22

W.S. 23/10

Please see Resident's letter and enclosures & foregoing notes. Draft below is for consideration.

L.S. 24.10.22.

S, 1,—E, P, B.—6-1920.—10,000.

M 155

Issued [illegible]

Margin for binding not to be written on.

Office Note.

File No. 294/93.

158

Letter No. 150 dated the 28th March 1923

from the President, M.C.

SUBJECT.

Tax on horses kept solely for racing purposes.

Please see Rs. 156, 157 and K. U.C.

The proposal to levy a tax of Rs 9 per half year on horses kept solely for racing purposes may be confirmed.

Draft. submd.

C.A.S. 5/4/23. A.S. 6/4 Mudaliar 6/4/23

159

S. 162

Issued No 2875 dt 5.4.23

Letter No. 150/91-22, dated the 27th April 1923, from the President, M.C.

Please see Rs. 159 & K. U.C.

The M. C. proposes that the tax will come into force from the 1st July 1923.

Draft submd.

C.A.S. 30/4/23. A.S. 1/5 Mudaliar 3/5/23

S. 163

Issued no. 3645 dt 7th May 1923.

S. I.—II, P, B.—8-1921.—5,000

Margin binding not to be written on.

File No. 291-93

V. 152

Office Note.

Letter No. 891, *dated* 6th September 1922,

from the President, Municipal Commission, C & M Station, Bangalore.

SUBJECT.

Amendment of Section 103, Bangalore Municipal Law .

(1)

p. 371. Cote put up.

Please see chap. XXXIII, Calcutta Municipal Act, 1899. Provision is, therefore, made in Municipal Acts f the regulation of factories established or proposed to b established within Municipal areas, in addition to the factories law as enacted in the Factories Act. Section 463 to 465 of chap.XXXIII of the Calcutta Municipal Act, 1899, relate to factories and the remaining sections of this chapter relate to certain trades.

(x) The Act only provides for the issue of a notice regarding the establishment of a factory but not for the licensing of premises intended to be used as such — vide Sec. 33 in lieu of Factories Act put up.

Sec. 463, Cal. Mun. Act 3/4.

In the case of factories, or, in other words, premi in which it is intended to employ steam, water or other mechanical power, a previous written permission of the chairman is necessary. The object of the permission i the employment of power (steam, water, or mechanical) and, it seems, that it is for this reason, that the permis is not subject to any fee; whereas, in the case of the trades mentioned in sec.466, Calcutta Municipal Act, 18 the license, which is necessary to their establishment, i subject to a fee (vide sec.467) as, apparently, such tr are carried on in view to a profit..

+ V. 152

(2)

Next please see L.U.C. and enclosures.

The Municipal Commission propose an amendment o Bangalore Municipal Law , and have in view the enactm of a bye-law on the lines of sec.463, Calcutta Munici

Law / to V. 152 force.

Act

:t, 1899, as amended by the Bill of 1917.

There is no objection to the enactment of a rule regulating factories opened or intended to be opened within the limits of the Station Municipal Area nor does it seem that the terms"factories, workshop or workplace" should be defined in the Bangalore Municipal Law in view to the proposed amendment, as these terms are employed in sec. 463 of the Calcutta Municipal Act, 1899, and they are not defined in this Act; but the following considerations are for note in connection with this question.

In the first place, the effect of the proposed addition to sec. 103 (1), Bangalore Municipal Law, would, it seems, be to render the mere employment of power - steam, water or mechanical - liable to the payment of a fee (vide sec. 103 (3) B.M.L.), and, if this power is employed for any of the purposes mentioned in sec. 103 (1), the result would, apparently, be a double fee, as the owner or occupier intending to use his premises for the carrying on of any of the trades referred to in sec.103 (1) is required to take out a license for this purpose.

To avoid the double fee and at the same time to provide for a control over the establishment of factories within the Station Municipal area, it seems that a new section, with a separate title "Factories", may be inserted as sec.102 A, embodying the provisions of sec.463, Calcutta Municipal Act, 1899, as amended by the Bill of 1917. This would render unnecessary the enactment of the bye-law proposed, and, if any such bye-law is needed, power is provided by sec.137 (1) (n), B.M.L.

It would, however, in the first instance be necessary to be furnished with an extract of sec.463, Calcutta Municipal Act, as it has been amended by the Bill of 1917, which has, apparently, been passed into law.

Secondly, the form of the amendment suggested is based on the definition of factory contained in sec.2(3) of the Factories Act of 1911. This definition is revised under

Margin for binding not to be written on.

Margin for binding not to be written on.

the Amendment Act of 1922 (vide sec. 2 (3) of Factories Act as brought up to 1922). Apparently, as the object of the proposed Municipal Law and such laws is the regulation of premises which are likely to be sources of nuisance to the neighbourhood, the objection would not exist in the case of premises which do not employ any power in aid of any processes carried on but which have been declared factories by the local Government under cl. (b) of sec. 2(3) of the Factories Act as modified up to 1922. Perhaps, therefore, no alteration in the form of the amendment proposed would be needed.

† If any amendment is needed it would, apparently, be carried out in the Calcutta M. Act (sec. 463) & this could be ascertained

(5)

Vide C. 127(4)

It seems that, before approaching Govt. of India with a view to the amendment of the Bangalore Municipal Law in the form suggested, the President, Municipal Commission's views may be invited on the points set forth above, and, if approved, the file may be sent to him U.O. for the purpose.

For orders.

F.H.
3.10.22

(6)

The object of the Factories Act is to regulate labour in factories. The object of sections 463 to 465 of the Calcutta Municipal Act is to protect people residing in the neighbourhood of factories merely because the Factories Act has been applied to the Station.

S. 2—E. P. E.—3-1921—5,000.

is not necessary to make an addition to the Bangalore Municipal Laws on the lines of the Calcutta Municipal Laws. In a busy and industrial city like Calcutta such legislation is probably necessary. What are the grounds for such legislation in the Station and what are the factories &c. the municipality proposes to bring under control? Do there any such legislative provision in Madras or in other towns of the size viz of Bangalore? It seems the municipal commissioners must make out a case before proceeding further in the matter.

Margin for binding. Not to be written on.

† Secs 287-289 of Madras City Municipal Act. 1919 Govt ...

V.P.S.
4/10

Sir,

Please see the enclosures of the foregoing with from para 1. There is some force in the remarks in para 6 of note. At the same time it is understandable that the Commissioner should wish to have control over factories so as to prevent their establishment or [illegible] so as to constitute a

7

† V.P.S. 152

Notes-continued

Margin for binding not to be written on.

nuisance to the inhabitants of the neighbourhood.

At the same time if the Block Hospl Law is to be amended this might be carried out in the manner suggested in para 3 of these notes for the reasons then given: and also because the ⊗ bye-laws proposed to be framed under S 137 (1)(e)(VIII) of Bldgs. seem to conflict somewhat with S 103 (2) of the Bldgs. It is quite possible that this might give rise to difficulties in practice. It would perhaps be best if a section in sections were made to the Bldgs. to give effect to Commrs. proposals. Please see in this connection para 3 of these notes.

J.S. 7.10.21

(8)

The ... amendment ... Acts ... carrying in ... for the ... of the ... Act ... necessary. In view ... increase of ...

⊗ See under "Statement of facts & reasons" of 15th enclosure to this. (1. 152.)

Margin for binding not be written on.

Notes-*continued*.

Margin for binding not to be written on.

(9) Please see last sentence of para 8 of notes ante. Papers may be sent D.O. to S.W.C.

11.10.22 11/10/22

Yes please.

12/10

MUNICIPAL OFFICE
12 OCT. 1922
CIVIL & MILITARY STATION, BANGALORE.

(10) Resubmitted.

The introduction of the Factories Act into the Station has really nothing to do with the proposed amendment: more, it was merely an occasion for raising the question.

The object of the proposed amendment is to prevent the erection of such factories etc in or near residential Quarters. We have, as yet, no Zoning regulation. As the area of the Station is limited, it is desirable to control the whereabouts of such places. There is no intention to restrict manufacturing enterprise.

The question of charging fees for

Margin for binding not to be written on.

such places does not at present arise. It is entirely discretionary and subject to the approval of the Resident. It is immaterial whether the Amendment is by way of an addition to 103 Bch or of a separate section but the proposed Amendment seems to meet the requirements of the case.

M. X. M. Phc

VHS 27/6

11

Please see above notes from para. 1 and the remarks below of the Vice-President and Executive Engineer, Municipality.

It seems that, in view of the remarks contained in para. 10 of notes, the amendment to the B.M.L. proposed to be carried out may be approved, and Govt. of India addressed for the purpose.

It is desirable that provision should exist for the control of manufacturing establishments in view of the limited area of the Station and it popularity for residential purpo

The existence of a Factories Law in th Station is of value ~~xxxx~~ in so far as it furnishes a definition of the term "Factory" which is not defined in the Municipal Law.

para 3 Vice Chairman's Note - after R

The power to levy fees provided in sec. 103 (3), B.M.L., is discretionary and it is, apparentl the intention of the Commission not to levy such

fees

OFFICE OF THE DY. C... & MAGISTRATE
NOV 1922
BANGALORE

Margin for binding not to be written on.

fees for the obtaining of a license to start a factory. It is, therefore, necessary to alter the form of the amendment as suggested in para. 3 of notes.

The form of the bye-law proposed to be enacted is based on a Calcutta Municipal Bill. But, as the framing of bye-laws is within the competence of the Commission, subject to the approval of the Resident, as, and the form of the bye-law is prima facie unobjectionable, it seems unnecessary to trouble the Commission to furnish an extract of sec. 463, Calcutta Municipal Act, as amended by the Bill of 1917.

A draft to Govt. of India is submitted for appl.

Sec. 5 Cal. Ly. C. Act
Sec. 139, B.N.L.

28.10.22

28/10

(12)

† Sec. 103(1) B.N.L.
Sec. 463, Cal. Munic. Act.

31-10-22

S. 3—R. P. E.—3-1921—5,000.

1.11.22

No. 891 unnoo.
12. 12. 22

Resubmitted

In order to meet the point raised by the Hon'ble the Resident I propose to ask the Commissioners to frame a new section, 103A, in the wording of 463 of the Calcutta Municipal Act, mutatis mutandis.

I will report again after the Commissioners have reconsidered the matter.

S. Sinha
Secy.
R.M.C.
14/12.

13

Margin for binding not to be written on.

B. M. L.

p. 371. Bengal Code Vol. III para 40.

Submitted with ref. to para 12 of Memo.
May await further communication from the G. H. C.

14/12

14/12

14

Notes-continued 160

Summary for binding not to be written on.

V. 155

Letter No. 148, dated the 28th March, 1923, from the President, C.& M. Station, Bangalore.

---

(15)

Please see sl. 152, above notes from para(1), and L.U.C.& enclosures. L.U.C. was promised in para (13)

It is intended that control should be retained over manufacturing enterprise in the Station in the interests of the public. This is to be providdd by amendment to the Bangalore Municipal Law. The form of amendment at first suggested was objectionable as it rendered the taking of a licence annually compulsory; the licence being subject to a fee if this is charged.

V. 152

Sec. 103(1) & (3), B.M.A.

The additions now proposed are designed to meet the above objections. They are based on sec. 463, Calcutta Municipal Act, 1899, as amended by a Bill of 1917; and sec. 137(1)(e)(vii), B'lore Municipal Law, is also amended with a view to the necessary powers for the enactment of bye-laws.

Vide Bengal Act 6 of 1917 para 5 to V. 152

Vide V. 146.

The Government of India may now, if approved, be moved to sanction the amendments.

Draft for approval.

5.4.23

6/4 Resd.

7/4/23

11/4

11/4

SC 164

Issued No 3030 of 13.4.23

Notfn.No.786/1081-I, dated 16.5.23, from the Govt. of India, For.& Pol.

V. 164

Margin for binding not to be written on.

Please see sls. 160 & 161.

Draft submitted.

22.5.23 22/5 Master 23/5/23

Issued N 4137 & 26.5.23 Sl 165

Letter No. & 298 dated 18.4.23 - from The President, Mun. Commrs, Cbl & St. } Sl 166

Sl 166

For the reasons stated in LUC, the Municipal Commrs recommends that the following provisions may be added to the Bangalore Municipal Law;—

16

"The Commissioner may, to promote the safety, health, welfare or convenience of the inhabitants, construct model dwellings for housing the poor, cattle sheds, dhoby ghats, bandy stands or any other buildings or structures, and may charge rent or fees for use and occupation of the same. A

"The provisions of section 186 shall apply for the recovery of any sum due to the Commissioner under this section. B

"In the case of non-payment of any rent or fees under this C

Margin for binding not to be written on.

section; the Commissioners may evict persons in occupation, after one month's notice in writing, without resorting to a Court of Law for such eviction."

(7) In the portion marked A. in para. 16 above,

(i) For the words "model-dwellings", the more general term "dwellings" may perhaps be substituted

I agree

(ii) For the words "use and occupation of the same", the words "use or occupation of the same" may perhaps be substituted: Some of the buildings or structures referred to are, of course, for both use & occupation while others are for use only and not for occupation, in a restricted sense of the term.

Yes

S. 2—R.P.B.—12-1922—10,000.

(18)

Margin binding not to be written on.

Please see paragraph marked B in para 16 ante. This provision seems to be superfluous; for section 186 of the Bangalore Municipal Law, which provides that "when any sum is due to the Commissioner under this Law by any person the Commissioner may recover such sum" in a certain manner, automatically applies to cases where the Commissioner is authorized by that law to charge rent or fees for use or occupation of dwellings etc. The provision marked B may therefore be omitted.

N. – possibly. The superfluous, Mr. J see to harm in letting it remain. M

(19)

Reference is next requested to portion marked C in para 16 ante, which provides that in the case of non-payment of any rent or fees, the Commissioner may evict persons in occupation, after one month's notice in writing, without resorting to a Court of Law for such eviction. It seems doubtful whether this provision is quite necessary

Notes-*continued*

Margin for binding: not to be written on.

yes; reason is given; see para 1 of C.A.C. The civil process is ineffective.

M

No particular reasons are given for going away with the ordinary practice of resorting to courts for eviction. So long as the rent or fee is secured under the provision of sec. 186, it is perhaps unnecessary to transfer the power of eviction from the Civil court to the Commission. This is submitted for consideration & orders.

(20)

I don't think insertion of S 98 is very appropriate. It is in Chapter III refers to taxation, but this is a case of revenue so it is near akin.

M

Another point for consideration is where in the Bangalore Municipal Law the additional provision suggested may be inserted. The Commission recommends that the additional provision may be inserted as sec. 67 C in Chapter III relating to 'Taxation'. A more appropriate place would seem to be somewhere in Chapter V relating to 'Powers for sanitary & other purposes' — say after sec. 98

(21)

After orders are passed on the

points mentioned above, a draft letter to the Govt. of India will be submd.

CVO
3 10 29

(22)

It is doubtful whether the Govt. of India will agree to the summary powers which the Municipality wishes to have for recovering rents and evicting tenants, unless it can be shown that such powers are exercised by any local body in Madras, Bombay or Calcutta. For instance section 28 (3) of the City of Bombay Improvement Act, 1898, provides for the construction of dwellings for the poor and working classes and section 63 (1) provides for the leasing of immoveable property, but there is nothing in the Act as regards the recovery of rents. Perhaps the ordinary civil law applies as in the case of house property generally. Perhaps the P. M. C. may be asked ~~that~~ to ascertain what the practice is in Bombay

A 3
11/10

Margin for binding not to be written on.

Notes-*continued*

Margin for binding not to be written on.

I should think it extremely unlikely the S.A.I. will sanction delegating such powers to the municipality unless they can show that they are exercised by any other municipality.

C.P. 5/10

(24) Please see note from para 16 of my original remarks. The arrears amount in the 5 years is not from the 1½% of the demand, but the loss as D.R. says; likely to increase as the Commissioners extend its sphere as property-owners. I see no reason why we should be bound by municipal practice in this place

1½/01/10

which perhaps have led to some difficulties, & would be inclined to recommend the proposal to the effect of Q I. If they don't agree with it, they may perhaps suggest an alternative remedy.

Yrs ever

N Carter

6/10/15.

24

We might enquire whether Dom. Procurator desires any further legislation. Or if desirable a new provision might be made. We might also find out whether Egyptian Govt have specially legislated since the Egyptians have a good many more laws than we have. Ryan of course knows.

10/10

9/10

margin for binding not to be written on.

Margin for binding not to be written on.

7.

Please see para. 24 ante.

A draft letter is subs.

CVA
15.10.23

16/10

16/10/23

5.167

Issued nos 8469-70 & 23.10.23.

Sl 168
L U C

Letter No. T 1071/191-22 Dated the 22nd Oct. 192
from the President, Municipal Commissioner, Bangalore.

26

The recommendation which the Municipal Commissioner now submits is that the Govt. of India may be requested to sanction the addition of the following section to the Bangalore Municipal Law.

"53 A. Every owner of any building which is let, shall, whenever the rent of such building is raised, give intimation thereof to the Commissioner within fifteen days from the date of raising such rent.

Any person failing to furnish such information shall be punishable with a fine which may extend to one hundred rupees." —

Let me hear Sir C.P. in this connection. T.E.S. 25/10/23

The object of the above provision is said

S. 2—R.P.B.—12-1922—10,000.

to be "to ensure proper annual revision" of assessment. No doubt the above is the result of discussions on a previous proposal that the Commission may be enabled "to exercise the power of enhancing and collecting the assessment on rents of houses which are raised by landlords after the assessment list is completed and fixed for the ensuing year, and compelling landlords to furnish immediately information of any such enhancement of rents"; but the latter proposal has now been abandoned by the Commission for the reasons stated in paragraphs 5–10 of the Vice-President's note, to which a reference is requested.

(27)

It may be noted that the Vice-President (who is also the Govt. leader of Public Executive), in his note just referred to, recommends the proposed additional section somewhat half-heartedly. He seems to recommend it only because the general opinion was that something should be done in the matter, though not what was originally contemplated.

Vide paras. 10 & 11 of the note at (

(28)

If the object is only to 'ensure proper annual revision', there is already ample power for the

Margin for binding not to be written on.

Notes continued.

Margin for binding not to be written on.

purpose, for under sec. 53 of the Bangalore municipal Law the Commissioner can, by notice in writing, call on owners as well as occupiers to furnish true accounts of rent on pain of a penalty. Of course, if the proposed additional section be sanctioned, there will be less work for the municipal staff, because information regarding increase of rent will then come in without a notice from the authorities; but this does not seem to be a valid reason in support of the proposal.

(2) If on the other hand, it is decided to increase the assessment at once on the basis of information received regarding increase of rent immediately after the assessment is fixed, it does not seem that such an increase can be allowed now and then. There is no provision for it in the Bangalore Municipal Law nor in the laws relating to the Bombay City Municipality or the Madras City or District municipalities. The intention of the various laws on the subject appears to be that when an assessment for a year has been fixed it should not be amended until the following year, except for some strong reasons such as

× not put up

error, fraud, accident etc; and if a revision at all times ~~of the~~ be permitted, the scheme of the present annual revision will lose its value. The Vice-President, in his note, has asked the question "If provision is to be made for increase of rents during the year, is a similar provision to be made for decrease in rent also?"

In fact the amendment suggested, though perhaps unobjectionable, would seem to serve no particular purpose. It does not of course meet the object which the Commission originally had in view viz. to increase the assessment on the basis of the further information, nor is it really necessary for the purposes of the annual revision; and it might perhaps be difficult to justify its necessity, in addressing the G of I, especially when there seems to be no precedents in other parts of India

Strictly speaking, the assessment is to be fixed not with refce to the actual rent but with refce to "the gross annual

(30)

(31)

of the Mun Law

Main for pinc... not writter n.

Notes-*continued*.

Margin for binding not to be written on.

sec 41(2) of the Bangalore Mun. Laws

rent for which buildings or lands ... may reasonably be expected to let." Accordingly, if the Mun. Commissioner, in any particular case, is convinced that a contemplated increase in rent was deliberately delayed so as to evade an increase of assessment, it would rather seem open to it (though the point is perhaps debatable) to put the following years assessment at a slightly larger figure than otherwise, so as to make up the loss incurred during the previous year.

For orders whether, in the circumstances stated above, the proposal of the Mun. Commr. need be taken up to the Govt. of India.

CVA.
11/11

32

There does not seem to be much objection to the proposed draft amendment to the Bangalore Municipal Laws and it may be recommended to the G.O. It will at least reduce the notices to be issued under Section 53 of the B.M. Laws.

24/11

S. 2—R.P.B.—S.1223—10,000.

(33)

Margin for binding not to be written on.

Please see from para (26) onte office has put up a good note on the municipal Commissioner's proposal in which the pros & cons are fully discussed. In my opinion the proposed addition to the Bangalore municipal area is harmless & un objectionable, but I cannot see that there is any real or urgent necessity for it.

Recd.

Martin

7/12/43

Notes *continued*.

Margin for binding not to be written on.

(34)

I do not think
can be done under
our present Act.
The amendment
Act of 1922 does not
extend to Ireland
except as regards
£58 (1) & (2)
dealt with by
Finance Act. To repeal
section would
involve opening
whole question
of
the charge is now on
repeal of section would
involve amendment
of Act of 1922
it is doubtful
if Irish Free State
would consent to
such a proposal as
now £53.

W. J. [illegible]
8/12/23

Draft subm.
CUG
10/12/23

[illegible]
10/12/23

[illegible] 10331 of 12-12-23

S. 2—H.P.B.—8·1923—10,000.

169

Margin for binding not to be written on.

Letter No. 608, dated 2-1-24 from the Govt. of Mysore, Local & Legis. Dept } sl 173 / LUC. 17B

Please see sls 166, 167 & 172 and sl 173 / LUC. (1)

The further information promised may be awaited till the 6th Feb 24 next.

CUO 7.1.24 AS 7/1

Letter No. T 6071/23 dated 29.12.23 from the PMC, C&M Sb. } sl 174 / LUC

Please see sls 168 & 169 & LUC. (36)

LUC may be simply filed

CUO 13.2.24 AS 3/3

MS 7/3

Letter No. 821 Sol. dated 28-2-24 from the Govt. of Mysore, Local & Legis. Depts } sl 175

Please see sl 166, 167, 173 & sl 175 / LUC. (37) The Mysore Govt's replies do not seem to be of any assistance in dealing with the questions at issue (sls 166 & 167).

The Bombay Govt's reply to sl 167 may be awaited. They were reminded on 28.2.24

CUO 13.3.24 AS 7/3

Notes-continued

Margin for binding not to be written on.

S.176. LUC

Letter No. 4888 A, dated 10.3.24 from the Govt. of Bombay, Genl Dept.

(32)

Please see para 37 ante.

sl 176. LUC may be filed.

CUR 14/3/24 VA 14/3

sl 177 LUC

Letter No. 4888-A, dated 1.V.24 from the Govt. of Bombay, Genl Dept.

(34)

Please see serials 166, 167, 173, 175 and L.U.C.; also paragraphs 16–24 of notes ante

The enquiry in sl. 167 was based on the Resident's orders in para 24 ante. The Mysore Govt's replies in sls 173 & 175 are not of any assistance; while the Bombay Govt's reply in LUC shows

(i) That so far as Govt. Chawls constructed by the Bombay Development Directorate are concerned, rents from defaulting tenants are realizable in the same way as other revenue demands. [The attachment & sale of

any property, moveable or immoveable, of the defaulter have been provided for — sec. 13 of the Bombay City Land Rev. Act, 1876.] Not put up as being heard

Margin for binding not to be written on.

(ii) That, in the Bombay City Municipality, the Corporation has no power to distrain the property of defaulters but that the usual procedure of filing civil suits has to be adopted

(iii) That the City of Bombay Improvement Trust has no power to distrain the property of defaulters or to prosecute them & that the bye-law making a defaulter liable to immediate ejectment is repealed as unworkable

The proposed addition to the Bengal Municipal Law, 1884, (sl. 166) may perhaps be recommended to the Govt. of India, with the omission of the clause relating to eviction & subject to the alterations mentioned in

Notes-*continued*

Margin for binding to be writ on.

para 17 of notes.

For orders.

CUG
13.5.24

(40)

Even with the above omission it seems doubtful whether the Govt. of India will sanction the proposal. In Bombay neither the Corporation nor the Improvement Trust Board has power to distrain the property of defaulters. Under the proposed amendment the local Commission will have such a power as the provisions of section 186 of the Bangalore Municipal Law are to be made applicable for the recovery of rents and clause (1)(c) thereof provides for the distraint of property

VTS
14/5. I should be inclined

(41) at least to approach the Govt. of India, before submitting the Draft Coll. Code for any file a/o for any

Margin for binding not to be written on.

further remarks he may have to make in the light of Bombay Govt's letter & foregoing

N. Carter
15/5/24

P. M. C (Ltd)

MUNICIPAL OFFICE, CIVIL & MILITARY STATION, BANGALORE. 16 MAY 1924 Q. 298/23

Q. 295/23
17.5.24
Secretary

(42)

The difficulty is real & it's likely to increase. I should like our original proposals to go up in their entirety: it is possible that the Municipalities have not experienced the same trouble or if they have done so, have not cared to meet it. Quick

16/5 PMC

xref 166

Notes-*continued*

Margin for binding not to be written on.

Submitted for orders

CVO
20 5 22

(43) Please see foregoing notes, from paras 16 to 24 and from paras 39 onwards as well as sls 166 & 177 (167, 175 l.u.c.) The Municipal Commission has built houses for the poor :: they find it difficult to collect the rent ; about 12 per cent of the rent is now in arrears : the want the payment of rent brought within the scope of section 186 B. M. Law : this will enable them inter alia to distrain the property of defaulters. They also want to have power to eject defaulters. In Bombay neither the Municipality nor the Improvement Trust has power to distrain : the latter body has a bye-law as to ejectment, but it is said to be unworkable. Sir Barton did not think the Q of J. would sanction the local Municipal commissioners proposals. Submitted for orders

Amel ss. 166.

s 24

(114)

Margin for binding not to be written on.

(45)

Notes-continued.

Margin or binding not to be written on.

(46)

Please see para 44 & 45 ante

A draft letter to the Govt of India is submitted. The verbal modifications approved of in para 17 ante have been carried out in the proposal and in amendment 7.

VB 16.2.24

Resd. H Costin 6/6/24

MW 4.6.24.

916/178 Issued vide 4616 & 10th June.

Vide pn 373 F, dated 22.7.24, the C.A.G., F & C Deptt.

Please see S.O. 166 & 178 ante & U.C.

The Govt. of India have accepted the proposal & made suitable amendments in Sec. 186 rather than adding a new section after Sec. 67 as suggested.

Draft sealed

VB 29/7

For information.

Resd MW Mathew 30/7/24

30.7.24

Revenue 611 9-8 1. 8. 24.

S. 180.

Margin for binding not to be written on.

Letter No. G. 311/1189-24, dated the 11th Sept. 1924, from the President, M.C., Cantonment.

S. 18.

(47)

The Wild Birds and Animals Protection Act, VIII. of 1912, has been applied to the Cantonment of Bangalore. Vide item 92 in the Notification at flag W.

The Munl. Commr. proposes that a new section may be added as Sec. 152 A to the Bangalore Munl. Law, with a view to prevent the capture or destruction of wild birds excepting crows and sparrows within the limits of the Cantonment. If approved, the G. of I. may be addressed. Drafts submd.

C.A.S. 20/9/24

(49)

The objects & reasons of the proposed legislation are not given in the l. u. c, but may be gathered from the Commissioners discussion at flags F. & G. In brief it is to prevent cruelty to and destruction of birds by means of catapults. It is not stated whether there is any such law in any part of British India, but the proposal seems to be of no importance. It may be absurd that the exclusion of sparrows and crows will probably defeat to a great

Notes-continued

Margin or binding not to be written on.

meant the object of the proposed legislation. If the proposal is approved, it may be held over until other proposals for amending the Bangalore Municipal Law are received. The Q of I can be addressed all at once then. It is rather troublesome to the Govt of India to consider such proposals piece-meal.

AS
24/9

I agree with the draft of this note, but apart from the merits or the necessity of the amendment to the B.M.L., is this the right way, if it is granted that it is desirable to make legal provision for the preservation of bird

Margin for binding not to be written on.

Life in the station, & doing things? Since Act No. VIII of 1912 applies to the station, is not the correct procedure to issue a notification under § 3 of the Act, either by the Resident in the Residency Order or by the Govt. of India in the Gazette of India? If so will please first consider & note on this point.

27/9/24

(57)

Section 3 of Act VIII of 1912 provides only for a close time; whereas the proposed law will operate at all times. Act VIII of 1912 does not touch

Notes-*continued*

Margin for binding not to be written on.

the removal of eggs. The proposed law does so. Under section 2(2) of Act No VIII of 1912 the kinds of birds to be protected have to be specified. The proposed law protects all birds other than sparrows & crows; it is doubtful whether a notification applying the provisions of the Act of 1912 to all birds other than sparrows & crows (& also other than those in the Schedule) would be in order under § 2 (2).

For the foregoing reasons it seems better and simpler to have a separate local law as proposed.

VPS.
30/9

Please see note from Maiya (45) ante.

I am not disposed to agree with Maiya (5-1) § 3 of the Act VIII of 1912 provides that the whole year may be declared a close time & I see nothing to prevent the issue of a notification

Margin for binding not to be written on.

application should be
made either to the Crown
Solicitors Office or to the
Registrar of Titles. The latter
I suppose appears to be
a mere matter of no
great importance. The
main object of the Commissioner
appointed is to prevent
cruelty. I vide President's
remarks re Flag.
I think P.M.C. may be
asked to consider whether
the application cannot be
made ~~under~~ to the Court
of Application under
Act V. of 1912.

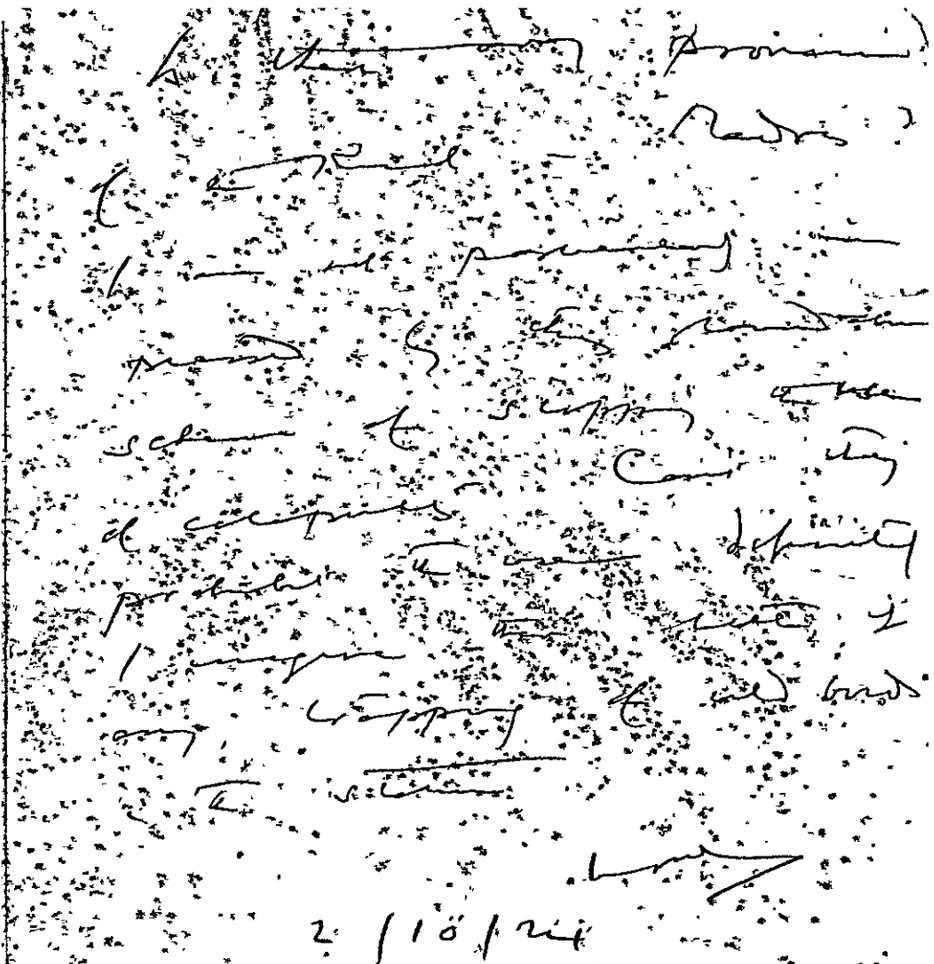
Result

N. Martin
21/10/12

Notes-*continued*

Margin for binding not to be written on.

(5)



(4)

There seems to be no provision of the kind in Madras Draft Statute

Cons. 9/10/24

H.D. 9/10

Desd. 13/10/24

13/10.

M 13/10

M 18/2

Dis. Sheet No 876 Dt 16-10-24

S.183

Letter No. Q. 311/189-24, dated the 30th Oct 24, from the President, TLC.

Please see Sh. 181 and 182.

It is proposed in the framing of a Police Act for the Station to add a new Section in Appendix III of the Act for dealing with the destruction of wild birds.

S. 12
279-21
(output tub)

The draft Police Act is being examined and will require a reference to G.of I.

If approved, the question of prohibiting the use or prom. of catapults definitely may be considered ~~at that time~~ along with the Police Act.

C.R.S.
4/11/24

V.A.S
4/11

Yes Mott
5/11/24

S. 12
279-21

It is proposed to make a new Section as Section 152 A of the Bangalore Munic. Laws and to mention it in Appendix III to the draft Police Act.

Both the wording of that proposed Section is the same as that proposed in Sc. 181. The President enquired in para 53 of opinion whether the M. C. could not prohibit the use of catapults definitely.

The President has replied that it can be done by the introduction of a new Section in the Bangalore Munic. Law.

If approved, he may be informed that the matter may be placed before the M.C.

The amendment of the B. M. Law will require a reference to G. of I.

C.R.S
8/11/24

The

F 279/21

(57) The draft Police Act has been submitted separately. The proposed provision for the protection of wild birds may be dealt with separately as suggested in that file.

Perhaps in the circumstances stated in l. u. e the proposed addition to the B. M. Laws may be submitted to the G of I

(58) HS 12/11 I have spoken to Mr Russell about this, & he agrees with me that this matter is not one of sufficient importance to justify a special reference to the Govt of India for the amendment of the B. M. L. He tells me that a general revision of the B. M. L. is in contemplation & suggests that the insertion

of some provision dealing with the protection of bird life in the Station might well warrant that revision.

I agree with him & suggest that the matter may well be allowed to drop for the present. I don't believe any such provision is really needed. All this hullabaloo has just arisen out of a few small boys using catapults!

Regds

M Carter

14/11/46

15/11

BANGALORE C & M STATION MUNICIPALITY

No. T.751

Office Hours:—
11 A.M. to 5 P.M.
Telephone No. 55.

Mayo Hall,
22 November 1924

59

RESIDENT'S OFFICE
BANGALORE.
Folio No. 8625
Date of Receipt 24-11-24
Ans. Reg. 24-11-24

My dear Cater,

I am about to tackle the question of revising the Bangalore Municipal Law and Bye-laws. The first thing to be done is to get the law itself brought into line with recent municipal legislation as it was framed in 1897 on a model which I believe was then somewhat out of date.

Would you let me know whether Mr. Barton has any views as to what Municipal Law would be most useful as a model on which to frame the draft. I want to keep in touch with the Residency from the first to save having to do the work over again.

Yours Sincerely,

S.B.22-11.

To

A. N. L. Cater, Esq., I.C.S.,
Secretary to the Hon'ble the Resident
in Mysore,
Bangalore.

Please see sr. 20 of F 294/1893 at page x.
It was stated in para 4 thereof that the Punjab Municipal Act, 1891, was adopted as the model on which the draft Regulations of the Bangalore Municipal Law, 1897, were based.
It was stated in para 8 thereof that the Mun. Regulations of the session of 1883 were framed upon the model of the Madras Municipal Act. for the Presidency Town of Madras.

P.T.O.

P.B.—S.1223—10,000

Notes-*continued*.

Margin for binding, not to be written on.

The Madras City Municipal Act No. IV of 1919 is at flag M and may, if approved, be adopted as the model on which the revised Municipal Regulations of the station may be based.

C.N.S.
3/12/24.

(12) A copy of Sl 20 may be sent to the P.M.C to show how the existing Bangalore Municipal Law was prepared. If a similar procedure is to be adopted on the present occasion the first preliminary would be to appoint a committee who would first indicate the lines on which a new law is to be drafted and would later on consider the law drafted on those lines.

W.S
3/12

(11) I am not sure that the Madras Act would be a good model. It is for one thing, I think, too elaborate having ori-

Notes-*continued*

Margin for binding, not to be written on.

400 sections. I am
do not know what else
to suggest. I think the
idea of having a small
Committee is a good one
The Military certainly
ought to be represented
on at least to be invited
to join in the revision.
The suggestion may be
put to the Collector

Result

[signature]
5/12/24

[illegible]

[illegible]

[illegible]

[illegible]
as suggested

5/1

Notes-*continued*.

Margin for binding not to be written on.

Please see paras 60, 61 & 62 of office note.

Draft submitted

C.W.S.
6/12/24.

THE MYSORE RESIDENCY,

BANGALORE,

D.O.No. 9809 Encl Dated, 9th December 1924.

(64)

REVISION OF THE BANGALORE MUNICIPAL LAW & BYE-LAWS.

Dear Sir,

In reply to your demi-official letter No.T.751, dated the 22nd November 1924, I am desired to forward a copy of a letter No.1709, dated the 8th/11th May 1896, from the Resident to the Government of India, Foreign and Political Department, showing how the existing Bangalore Municipal Law was prepared. If you see no objection, a similar procedure may be adopted on the present occasion and a small committee appointed to indicate the lines on which a new law is to be drafted and later on to consider the law drafted on those lines. The Military authorities should be represented or at least be invited to join in the revision of the law. The Madras City Municipal Act, IV of 1919, is more or less up to date, and mutatis mutandis should suit the Station as a model.

Sl. 20.

Yours Truly,

E T & In Paris

for Mr. A. N. L. Cater.

T.B. Russell, Esq., I.C.S.,

President, Municipal Commission,

Civil and Military Station, Bangalore.

P.O. No. T. 751

22nd DECEMBER 1924.

Revision of the Bangalore Municipal Law and Bye-Laws.

My dear Cater,

Kindly refer to Mr. Peris' D.C. No.9809, dated 9/11th December 1924.

The procedure followed in 1896 was after the Municipality had sent in its draft of the new law (referred to as "the draft of 1895" in the enclosure to Mr. Peris' letter) and the Committee formed was a purely official one. Apparently the draft of 1895 was to some extent used as a basis of discussion in 1896 though it was not of very much use. I do not think we shall require to make so many fundamental alterations in the constitution on this occasion, though several important constitutional points will have to be considered. The main work is to bring the law up-to-date in accordance with the progress made in Municipal legislation during the last 25 years.

I am inclined to think that a Committee will only waste time at this stage, and it was for this reason that I got the Commission at its last meeting to agree to the work of re-drafting being done by the lawyers. Mr. Suryanarayana Rao's long experience will be of immense help in doing this, and he will work in close touch with me. When the draft has been prepared and sent for the Resident's consideration, I think a Committee on the lines suggested in Mr. Peris' letter should be able to get it into final form and see that all interests have received proper consideration.

I hope Mr. Barton will approve of the Commission's resolution which is being sent to you in the usual course. Let me know if you would like to discuss this personally.

Yours sincerely,

A. N. L. Cater, Esq., I.C.S.,
Secretary to the Hon'ble the Resident in Mysore,
Bangalore.

Notes-continued.

Margin for binding not to be written on.

D.O. letter No. T. 751, dated the 22nd Dec. 24, from the President, M.C.

S.184 (M.157)

Letter No. T. 840, dated the 22nd Dec. 24, from the President, M.C.

(67)

Please see the letter at para 64 of appn notes.

The M. C. have proposed that the re-drafting of the Bangalore Municipal Laws & Bye-laws may be entrusted to Messrs. Surya Brothers, the total cost not to exceed Rs 1000.

It seems that the request may be confirmed.

No necessity

The President enquires whether the Secretary would like to discuss this personally.

Submitted with a draft.

Cmdr 10/1/25 A.G. 10/1

Resdt Mahe 14/1/25

(67) Who are these Surya Brothers? What experience have they for this class of work? Is there any precedent for this kind of work being entrusted to outside agency?

Mr. [illegible]

1.5.1.

Notes continued.

Margin for binding not to be written on.

5-185

Letter No. T. 840/24, dated the 15th Jan 25 from the President, M.C., C.M. Stn

Please see para 67 of office notes overleaf.

Messrs. Surya Brothers are M. C. N. Suryanarayan Rao and M. C. N. Surya Prakas and Public Prosecutors of the C.M. Station of Bangalore. M. C. N. Suryanarayana Rao is a Pleader in the Station and also the Vice-President of the Station Municipality. M. Surya Prakas is an Advocate and the Official Receiver in the Station.

They are lawyers of experience and Mr. Suryanarayana Rao has been a Municipal Comr for 3 years. Nothing are the ~~it is not known what~~ special qualification they possess for this kind of work.

There seems to be no precedent in the office for this kind of work being entrusted to an outside agency.

(69) The President requests in D. No. that M. Suryanarayana Rao may be permitted to take up that work and Rule 6(f) of the Election Rules may be amended by the insertion of the words "without the previous permission of the President in this behalf" at the beginning of the rule.

CSS. 22/1/25

The draft prepared by Messrs Surya Brothers would be considered by the Commission on which the Military Authorities are represented. This being so the Commissions resolution may perhaps be accepted

The next question is whether

Notes *continued*.

Margin for binding, not to be written on.

N

whether bearing regard to the provisions of section 37(1) of the Bangalore Municipal Law and rule 6(b) of the Election Rules Mr Suryanarayana Rao should be permitted to take up (1) this work and (2) general legal work of the Commission. As regards (1) permission may perhaps be accorded under section 37(1) and rule 6(b) amended as suggested by the P.M.C. As regards (2) it seems desirable that the legal work of the municipality should be entrusted to a lawyer who is wholly unconnected with the Commission.

AS
23/1

(70)

Personally I don't think there is any grave objection if Surya writes undertaking this work. If it were undertaken by a Committee of the Municipal Commission,

R. B. Suryanarayana Rao

Notes-*continued*.

Margin for binding not to be written on.

would certainly be as it is & no objection could be taken. As to question of policy I don't think they would be likely to initiate any striking departures & in any case their draft will be subject to revision both by the Municipal Commission & by the Resident.

Resd

W. Clifford
24/1/25

Sent Secy -
I agree.
Perhaps we could
Presidt a despatch pointing
out suggesting Resident
administration

S.2—R.P.B.—S.1923—10,000.

Notes-*continued*.

Margin for binding not to be written on.

(illegible)

(illegible)

(illegible)

(illegible)

(illegible)

25/1/25

Draft submitted
C.P.S.
26/1/25

(7a) draft may issue, but it seems that the words "or works done for" in rule 6 (f) of election rules should be omitted. Such words do not occur in section 37 (1) of B.M. Laws. Notification may be taken separately.

N
27/1

26/1/25

S.186 Issued No 79 S, dt/ 29.1.25.

(7b) Draft notn for introducing the amendment in the election rules submitted.

C.P.S.
29/1/25

N
29/1

30/1/25

20 Secs entered in diary for 1.3.25

S. 4—H.P.B.—S.1223—10,000.

Official No. 79 dt 30/1/25

Notes-*continued*.

Margin for binding not to be written on.

(74)

Please see SR. 187.

The NOTE was published and no objection or suggestion has been received. If approved, the amendment may be finally issued.

Draft NOTE submitted.

C.W.B. 2/3/25

2/3

ICH 2.3.25

Issued Whf N 24 of 5/3/25.

N188

CORRESPONDENCE.

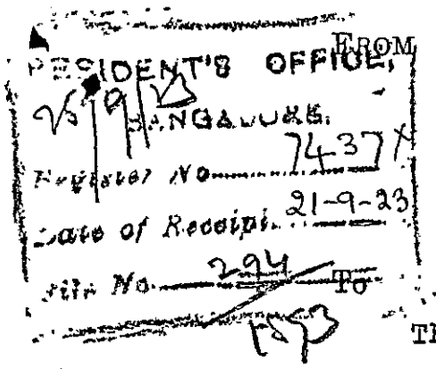
19 Mil. Affairs 16

H. O.
2,000—25—8—1923.
6

No. 9.298
Enc: 4

CIVIL AND MILITARY STATION, BANGALORE,
MUNICIPAL OFFICE.

DATED 18 September 1923.



T. AUSTIN, ESQ., I. C. S.,
President, Municipal Commission,
C. & M. Station, Bangalore.

The Secretary to the Hon'ble the Resident in Mysore,
Bangalore.

SIR,

I have the honour to state that for some years past much difficulty has been experienced in the collection of rents for Municipal houses owing to the Municipal Commission not being vested with power either to distrain the property of the defaulters or to prosecute them for the non-payment of rent. Under the law, as it now stands, the Municipal Commission is in the position of a land-lord & the cumbrous procedure of filing Civil suits has to be resorted to when a tenant will not pay his rent. It also very often happens that, before anything can be done, the tenant has left the station. The result of the attendant delays is that large arrears have to be written off every year. It will be seen from the enclosed statement showing the demand, collection, remission, and balance of rents due on Municipal buildings for the past five years 1918-19 - 1922-23, that a sum of Rs. 3,840-8-0 remains uncollected. The difficulty is increased by the fact that practically all the Municipal tenants (apart from Municipal employees) belong to the lowest and poorest classes.

(K)

2. In order to obviate this difficulty which will increase proportionately with the increase in the number of municipal buildings, and to provide for better control,

P. T. O.

the Municipal Commission at a Special Meeting held on the 12th July 1923, proposed to amend the Bangalore Municipal Law 1897 as under (Vide copy of resolution enclosed - Enclosure II) by the insertion of a new section 67 (c):-

Section 67 (c).

Construction of Model Dwellings, Cattle sheds, Dhoby Ghats or any other buildings, charging rent or fees for use and occupation of the same.

The Commission may, to promote the safety, health, welfare, or convenience of the inhabitants, construct model dwellings for housing the poor, cattle sheds, dhoby ghats, bandy stands, or any other buildings, or structures, and may charge rent or fees for use and occupation of the same."

"The provisions of Section 186 shall apply for the recovery of any sum due to the Commission under this section."

"In the case of non-payment of any rent or fees due under this section, the Commission may evict persons in occupation, after one month's notice in writing, without resorting to a Court of law for such eviction."

3. This amendment was published for objections (Vide copy of notice No. T 799, dated 26th July 1923, enclosed - Enclosure III) and no objections having been received, the matter was again placed before the Commission at a Special Meeting held on the 31st August 1923, when it was resolved that the Hon'ble the Resident be requested to move the Government of India to accord sanction to the amendment to the Bangalore Municipal Law 1897 by the insertion of a new section 67 (c) as follows:- (Vide copy of resolution enclosed - Enclosure IV)

"Section 67 (c)"

Construction of model dwellings, cattle sheds, dhoby ghats, or any other buildings charging rent or fees for use and occupation of the same.

The Commission may, to promote the safety, welfare,

or convenience of the inhabitants, construct model dwellings for housing the poor, cattle sheds, dhoby ghats, bandy stands or any other buildings or structures, and may charge rent or fees for use and occupation of the same."

"The proviso of section 186 shall apply for the recovery of any sum due, to the Commission under this section."

"In the case of non-payment of any rent or fees due under this section, the Commission may evict persons in occupation, after one month's notice in writing, without resorting to a Court of law for such eviction."

I request that the Hon'ble the Resident will be pleased to strongly recommend the Commission's resolution for the sanction of the Government of India.

I have the honour to be,

Sir,

Your most obedient servant,

President, M.C.

S.B.
18/9/23.

STATEMENT SHOWING THE DEMAND, COLLECTION, REMISSION AND BALANCE OF THE MUNICIPAL BUILDINGS FOR 5 YEARS FROM 1918-19 1922-1923.

NO.	PARTICULARS.	PERIOD.	DEMAND.	COLLECTION&	REMISSION.	BALANCE.	REMARI
			Rs.	Rs.	Rs.	Rs.	
1	Knoxpetta Model Houses.	1918-1919	516- 0- 0	516-0-0	---	---	
		1919-1920	516- 0- 0	505-8-0	---	10-8-0	
		1920-1921	516- 0- 0	403-0-0	---	113-0-0	
		1921-1922	2162- 8- 0	1646-8-0	---	516-0-0	
		1922-1923	4057- 0- 0	2305-0-0	119-0-0	1633-0-0	
2	Cubbon Lines.	1918-1919	---	---	---	---	
		1919-1920	---	---	---	---	
		1920-1921	---	---	---	---	
		1921-1922	---	---	---	---	
		1922-1923	2537- 8- 0	2462-0-0	---	75-8-0	
3	Cross Barrat Cottages.	1918-1919	---	---	---	---	
		1919-1920	---	---	---	---	
		1920-1921	240- 0- 0	210-0-0	---	30-0-0	
		1921-1922	860- 0- 0	778-0-0	---	82-0-0	
		1922-1923	984- 0- 0	902-0-0	---	82-0-0	
4	Robertson Road Houses including cattle yards	1918-1919	3210- 0- 0	2609-0-0	87-8-0	513-8-0	
		1919-1920	3037- 8- 0	2544-8-0	15-8-0	477-8-0	
		1920-1921	3024- 8- 0	2326-8-0	---	698-0-0	
		1921-1922	3060- 8- 0	1859-8-0	26-0-0	1175-0-0	
		1922-1923	3577- 0- 0	2203-0-0	---	1374-0-0	
5	Cattle lines at Blackpally.	1918-1919	---	---	---	---	
		1919-1920	---	---	---	---	
		1920-1921	---	---	---	---	
		1921-1922	---	---	---	---	
		1922-1923	857- 0- 0	721-0-0	---	136-0-0	
6	Other Municipal houses	1918-1919	1120- 0- 0	681-0-0	15-0-0	424-0-0	
		1919-1920	1230- 0- 0	882-0-0	---	348-0-0	
		1920-1921	540- 0- 0	360-0-0	---	180-0-0	
		1921-1922	540- 0- 0	315-0-0	---	225-0-0	
		1922-1923	841- 0- 0	760-0-0	---	81-0-0	
		Total	33426-8-0	24989-8-0	263-0-0	8174-0-0	
	Amount since collected ...					4333-8-0	
	Net balance ...					3840-8-0	

S.B.
18/9/23.

(Sd) S. Sitaram,
REVENUE MANAGER.

"Copy"
18/9.

Proceedings of a Special Meeting of the Municipal Commission held on the 12th July 1923.

53. Amendment to the Bangalore Municipal Law, 1897, by the insertion of a new section 67 (c) for recovering rents of Municipal buildings.

Recommended.

The President said that for some time there had been much difficulty in collecting rents for Municipal houses. He had a statement prepared showing the demand, collection, remission, and balance due on Municipal buildings for the five years, 1918-19 to 1922-23. The difficulty under the present law was that the Municipal Commission was in the position of a land-lord. When a tenant would not pay his rent, the Commission had to go through the cumbrous procedure of filing a suit etc. as in the case of the Knoxpet houses where the tenants were very poor.

It also often happened that before anything could be done, the tenant had left the station and the result was a large amount of arrears every year. Mr. Tasker had gone into the matter with the Vice-President, but had dropped it on realising that the position of the Municipal Commission was only that of an ordinary landlord. The President said that he too had gone into the matter again and had discussed it with the Vice-Presiden and the latter was still doubtful as to whether the Government of India would accord sanction to the draft section which ran as follows:-

Section 67 c.

"The Commission may, to promote the safety, health, welfare or convenience of the inhabitants, construct model dwellings for housing the poor, cattle sheds, dhoby ghats, bandy stands, or any other buildings or structures and may charge rent or fees for use and occupation of the same."

"The provisions of section 186 shall apply for the recovery of any sum due to the Commission under this section."

"In the case of non-payment of any rent or fees due under this section, the Commission may evict persons in occupation, after one month's notice in writing, without resorting to a court of law for such eviction."

The Vice-President remarked that it was a still a matter

P. T. O.

for trial and wondered whether the Hon'ble the Resident would approve of it.

The President observed ~~that~~ that it was an important matter as the Municipality were continually building more houses to rent and he thought that the Government of India might consider their difficulty.

Mr. Rajagopal Mudaliar said that in the interest of the Municipal Commission it would be better to put the proposition before the Resident.

The President then put the recommendation of the Standing Committee before the meeting and it was carried nem con.

Resolved that the amendment to the Bangalore Municipal Law of 1897, by the insertion of a new section 67 (c) for recovering rents of Municipal buildings be published for objections.

(File No.115 of 1923)

(Sd) T. Austin,
President, M. C.

"Copy"

S.B.
17/9/23.

18/9.

"Copy"

No. T 799 CIVIL & MILITARY STATION, BANGALORE.

MUNICIPAL OFFICE,

26th July 1923

N O T I C E.

With a view to facilitate the recovery of rents of municipal buildings, the Municipal Commission for the Civil and Military Station of Bangalore, at a Special Meeting held on the 12th July 1923, approved of an amendment to the Bangalore Municipal Law, 1897, by the insertion of a new section 67 (c) as follows:-

Section 67 (c)

Construction of Model Dwellings, Cattle sheds, Dhoby Ghats or any other buildings, charging rent or fees for use and occupation of the same.

The Commission may, to promote the safety, health, welfare, or convenience of the inhabitants, construct model dwellings for housing the poor, cattle sheds, dhoby ghats, bandy stands, or any other buildings, or structures, and may charge rent or fees for use and occupation of the same."

"The provisions of section 186 shall apply for the recovery of any sum due to the Commission under this section."

"In the case of non-payment of any rent or fees due under this section, the Commission may evict persons in occupation, after one month's notice in writing, without resorting to a Court of law for such eviction."

2. Objections should reach the President, Municipal Commission on or before the 10th August 1923.

(Sd) T. Austin,

President, M.C.

S.B.
18/9/23.

"Copy"

Proceedings of a Special Meeting dated 31st August 1923.

53. Amendment to the Bangalore Municipal Law, 1897, by the insertion of a new Section 67 (c) for recovering rents of Municipal buildings.

The President said that this item was passed by the Municipal Commission at a Special meeting held on the 12th July 1923, and published for objections. As no objections had been received, the matter was now placed before the Commission for final confirmation before submission to the Hon'ble the Resident.

Resolved that the Hon'ble the Resident be requested to move the Government of India to accord sanction to the amendment to the Bangalore Municipal Law, 1897, by the insertion of a new Section 67 (c) as follows:-

Construction of model dwellings, cattle sheds, dhoby ghats, or any other buildings charging rent or fees for use and occupation of the same.

"The Commission may, to promote the safety, health, welfare or convenience of the inhabitants, construct model dwellings for housing the poor, cattle sheds, dhoby ghats, bandy stands, or any other buildings, or structures, and may charge rent or fees for use and occupation of the same."

"The provisions of section 186 shall apply for the recovery of any sum due, to the Commission under this section."

"In the case of non-payment of any rent or fees due under this section, the Commission may evict persons in occupation, after one month's notice in writing, without resorting to a Court of law for such eviction."

(File No.116 of 1923)

(Sd) T. Austin,
President, M.C.

"Copy"

S.B.
18/9/23.

S. 3.—R. P. R.—6-1920—10,000.

167

DRAFT.

No. 8469-70

23d Oct 1923.

From the Resident

~~The Secy to the Resident~~

To The Secy to the Govt. of Bombay,
Transferred Dept

~~The Secy to the Govt. of Mysore~~
Local & Legis: Dept.

Subject — Recovery of rent for municipal houses

Sir,

I have been brought to

~~my notice~~

~~The notice of the Resident~~ that

for some years past much

difficulty has been experienced

in the collection of rents for

houses built by the municipality

~~municipal houses in the~~ for the poor in the

C & M Stn, Bangalore, owing

to the Municipal Commissioners

not being invested with power

either to distrain the property

of defaulters or to prosecute

them for the non-payment of

rent. Under the laws as it

(Continuation of Draft.)

stands, the Municipal Commrs is
in the position of a landlord, and
the cumbrous procedure of filing
Civil suits has to be resorted to
when a tenant will not pay
his rent. It also very often
happens that, before anything
can be done, the tenant has
left the station. The difficulty
is increased by the fact that
practically all the municipal
tenants belong to the lowest &
poorest classes; and the result
is that large arrears have to
be written off every year.

I have the honour, therefore, to request you to be so good as to inform me whether a similar difficulty has been experienced in the Bombay Presidency / Mysore State and if so what measures the Govt. of Bombay / Mysore have taken to meet it, by means of special legislation or otherwise

I have &c

S/d A. W. Pew

for Resident

for secy to the Resident

CUR 15 to 23 No 8 16/1.. 20/1/10

H.'O.
2,000—
6

No. T. 1071 Enc: 5
197-'22

CIVIL AND MILITARY STATION, BANGALORE,
MUNICIPAL OFFICE.

DATED 22nd October 1923.

FROM
PRESIDENT'S OFFICE,
BANGALORE,
Engineer No. 835
Date of Receipt 24.10.23
No. D. 1341/23

T. AUSTIN ESQ., I. C. S.,
President, Municipal Commission,
C. & M. Station, Bangalore.

The Secretary to the Hon'ble the Resident in Mysore,
Bangalor

SIR,

I have the honour to state that at a special meeti held on the 21st December 1922, the Commission accepted the following proposition submitted by Mr. G. G. Jeremiah:- (Vid copy of resolution enclosed - Enc. I)

"That the Hon'ble the Resident be requested to mo for the addition of a sub-section to section 58 of the Bangalore Municipal Law, to enable the Commission to exerc the power of enhancing and collecting the assessment on th rents of houses which are raised by landlords after the assessment list is completed and fixed for the ensuing yea and compelling landlords to immediately furnish informatio of any such enhancement of rents, as there have been sever cases of landlords increasing rents immediately after the assessment is fixed, without any corresponding benefit to the Municipal Revenues"

2. The Vice President, Mr. Jeremiah and the Revenue Manager went into the matter. The proposition raised two points viz (1) an obligation on the part of the owners to give information whenever rents were raised and (2) the power of the Municipal Commission to enhance assessment on receipt of such information. The Vice President considere that a new sub-section would be opposed to, and inconsisten with the other provisions of the Municipal Law, and submitt

a note (Vide copy enclosed -- Enc.II) in which he suggested the framing of a new section - section 53 (A)-as follows, in order to ensure proper annual revision:-

" 53 (A). Every owner of any building which is let, shall, whenever the rent of such building is raised, give intimation thereof to the Commission within fifteen days from the date of raising such rent".

"Any person failing to furnish such information shall be punishable with a fine which may extend to one hundred rupees".

3. The proposed new section was placed before the Commission at a special meeting held on the 12th July 1923, when it was resolved that it be published for objections. (Vide copy of resolution enclosed - Enc.III) It was accordingly published for objections (Vide copy of notice No.T/803, dated 28th July 1923, enclosed - Enc.IV). No objections having been received the matter was placed before the Municipal Commission for final confirmation at a special meeting held on the 27th - September 1923, when it was resolved that the Hon'ble the Resident be requested to move the Government of India to accord sanction to the amendment to the Bangalore Municipal Law, 1897, by the addition of a new section 53 (A) as given above (Vide copy of resolution enclosed - Enc.V)

4. I request that the Hon'ble the Resident will be pleased to move the Government of India to accord sanction to the amendment proposed to the Bangalore Municipal Law by the addition of a new section 53 (A) as resolved by the Municipal Commission.

I have the honour to be,
Sir
Your most obedient servant,

T. Qusha 28/9

President, M.C.

B.P.
16/10/23.

28/9

Enc: I

Proceedings of a special meeting dated 21st December 1922.

---

186. Mr. Jeremiah's proposition for the addition of a sub-section to section 58 B. M. L. to enable the Commission to exercise the power of enhancing and collecting assessment on rents of houses which are raised by landlords after the assessment list is completed etc.

Standing Committee does not recommend the proposition as it would be impracticable to work.

The President read Mr. Jeremiah's proposition as under:-

"That the Hon'ble the Resident be requested to move for the addition of a sub-section to section 58 of the Bangalore Municipal Law to enable the Commission to exercise the power of enhancing and collecting the assessment on the rents of houses which are raised by landlords after the assessment list is completed and fixed for the ensuing year, and compelling landlords to immediately furnish information of any such enhancement of rents, as there have been several cases of landlords increasing rents immediately after the assessment is fixed without any corresponding benefit to the Municipal Revenues."

Reasons.

In moving his proposition, Mr. Jeremiah said that he had sat with the President and other Commissioners for hearing appeals and it was found during their investigations that there were numerous instances where tenants paid very much higher rents than that declared by the landlord, and that this state of things had been going on for years with the result that the Municipality had been losing a very large revenue annually. His proposition was to alter the law in order to make it imperative on the part of the landlord to immediately intimate any increase in rental. As the law stood there was no such provision, and as an example of landlords raising the rents immediately the assessment had been fixed for the year and so

defrauding the Commission of revenue he mentioned that a lady had written to him to say that the rent of her house which was Rs. 66/- before the assessment was fixed, had been raised to Rs. 75/- after the assessment, and this latter figure would remain undetected for a year.

Mr. Jeremiah referred to section 53 of the Bangalore - Municipal Law and said that although under that section owners or occupiers could be called upon to furnish information as to the rent actually received and paid on any land or building, yet this section did not contain any provision compelling the owners to give such information of their own accord whenever rents were raised. The proposition was intended only to supply this defect and not to interfere in the least with the liberty of the subject. He asked that the proposition should be discussed.

Mr. Abdul Latheef seconded Mr. Jeremiah, and said that he was also of the same opinion. He failed to see why the Municipality should lose assessment on rentals raised by the landlords after the assessment for the year had been fixed. He thought that by the entertainment of one or two hands in the Revenue Department, information regarding the enhanced rentals could be ascertained for the purposes of reassessment throughout the year.

Mr. Rajagopal Mudaliar did not favour the proposition as he thought it was unworkable. He referred to the correspondence which appeared in the Daily Post by "Sceptic" and said he wanted to write a reply to it himself but he did not do so as the position had been clearly explained by the publication of the President's "Note on Rent Assessment". The point for consideration was that, supposing a landlord raised the rent every time the assessment had been proportionately increased, that would result in no end of work. It was therefore doubtful whether the proposition could be worked in actual practice.

He therefore proposed that the recommendation of the Standing Committee be accepted.

Mr. Clinch (the D.S.P.) suggested that the words "or the value of which has been enhanced" be added after the words "which has been erroneously valued" in section 58 (1) Bangalore Municipal Law and said that would probably meet the requirement of Mr. Jeremiah's proposition. Mr. Jeremiah, in reply said that he considered that point, but he was doubtful whether such an addition would answer the purpose. He thought that section 58 (1) and sub-sections (2) and (3) thereunder dealt with separate and distinct matters concerning the assessment and, that being the case, a sub-section dealing distinctly and separately with the object aimed at should be inserted. He was of opinion that it was for the Law Officers of the Government to frame the sub-section and considered that the Commission would do well to leave it to them.

As regards Mr. Rajagopal Mudaliar's remarks, Mr. Jeremiah said that it was not found to be difficult in Madras, Bombay, and Calcutta, where the assessment was collected half-yearly. In Bangalore the assessment was fixed for the year, but collections were made half-yearly. So there appeared to be no reason why the demand for the year should not be shown as one figure, the collection as another, and the balance due for each half-year as another, and collection be made as rents are raised and information received of such increases at the close of each half year.

Mr. Jeremiah's proposition was then put to the vote and was carried unanimously.

(Sd) T. Austin,
President, M.C.

"Copy"

S.B.
17/10/23.

Enc: II.

PRESIDENT,

I met Mr. Jeremiah and the Revenue Manager and discussed this matter. I explained the practical difficulty in framing the proposed new sub-section to section 58 Bangalore Municipal Law. Mr. Jeremiah was doubtful about the question raised by me and took all the files with him for consideration.

2. I have received the files back from Mr. Jeremiah with a note to the Secretary saying that he was not convinced from what I had said at the meeting of the difficulty of framing the new section and requesting him to get the Law Officers of the Government to frame the proposed section.

3. As I explained to you in person I think the framing of a new sub-section on the lines suggested, will be opposed to and inconsistent with the other provisions of the Chapter III of the Bangalore Municipal Law.

4 Under section 41 (A) (a) (i), House Tax levied is on the "annual value" of the property and the words "annual value" are defined in the same section as the gross annual rent for which buildings and lands liable to taxation may reasonably be expected to let.

5 The assessment contemplated by the Law, is, in my opinion, not on <u>actual monthly rent</u> recovered but on <u>gross annual rental value</u> as defined above. The passing of the proposed new sectio will be opposed to the object of section 41 unless this section is also amended which the Commission has not proposed to do.

6. Section 59 contemplates an annual revision of assessment and section 58 makes a special provision to amend the assessment list during the year only in <u>particular cases</u>. Even under this section, I think the revision of assessment is based on "annual value" as defined by section 41 and not on actual rent.

7 There may be variations in rent during the year either by rise or fall in the actual rent realised from any property which I think, under the law can be taken into account only for fixing the annual value for the ensuing year.

8 I have consulted almost all the Municipal Laws in India and I find that "annual value" has been defined the same as in our law and assessment has been fixed on such value without reference to fluctuation of rents during the year.

9 If provision is to be made for increase of rents, during the year, is a similar provision to be made for decrease in rent also? Nothing has been said about this in the resolution of the Commission.

10. The Revenue Manager agrees with me in the view I have taken and thinks that a provision of the kind will lead to a lot of complications unnecessarily in the accounts.

11. However in order to ensure proper annual revision, I would suggest a section to be framed as 53 (A) in the following terms:-

"53 (A). Every owner of any "building which is let shall, whenever "the rent of such building is raised, "give intimation thereof to the "Commission within fifteen days from the date of raising such rent.

"Any person failing to furnish such information shall be "punishable with a fine which may extend to one hundred "rupees".

12 This will make it incumbent on owners to furnish the information which may help the Commission to properly prepare the assessment lists under section 59.

(Sd) C. N. Suryanarayana Rao.
24th April 1923.

"Copy"

Enc: III

Proceedings of a special meeting of the Municipal Commission held on the 12th July 1923.

186. Mr. Jeremiah's proposition for the addition of a sub-section to section 58, Bangalore Municipal Law, to enable the Commission to exercise the powers of enhancing and collecting assessment on the rents of houses which are raised by landlords after the assessment list is completed.

Recommended.

The President remarked that this item arose out of a proposal put in by Mr. Jeremiah which was passed unanimously at a Special Meeting in December 1922. The proposition ran as follows:-

"That the Hon'ble the Resident be requested to move for the addition of a sub-section to section 58 of the Bangalore Municipal Law to enable the Commission to exercise the power of enhancing and collecting the assessment on the rents of houses which were raised by landlords after the assessment list is completed and fixed for the ensuing year, and compelling landlords to immediately furnish information of any such enhancement of rents, as there have been several cases of landlords increasing rents immediately after the assessment is fixed without any corresponding benefit to the Municipal Revenues."

The President observed that the Vice President, Mr. Jeremiah and the Revenue Manager, had gone into the matter. The proposition raised two points:-

1. Obligations on the part of the owners to give information whenever rents were raised.
2. Power to enhance the assessment on receipt of such information.

It was considered by the Vice President that a new sub-section would be opposed to, and inconsistent with, the other provisions of the Municipal Law.

The Vice President in his note to the President, had remarked as follows:-

"Under section 41 (A) (a) (i), House tax levied is on

the "annual value" of the property, and the words "annual value" are defined in the same section as the gross annual rent for which buildings and lands liable to taxation may be expected to let.

"The assessment contemplated by the law, is, in my opinion, not on actual monthly rent recovered, but on gross annual rental value as defined above. The passing of the proposed new section will be opposed to the object of section 41 unless this section is also amended, which the Commission has not proposed to do."

Referring to the first point, the President said that the Vice President had suggested a section to be framed as 53 (A) to ensure proper annual revision in the following terms:-

> "53 (A) Every owner of any building which is let, shall, whenever the rent of such building is raised, give intimation thereof to the Commission within fifteen days from the date of raising such rent.
>
> "Any person failing to furnish such information shall be punishable with a fine which may extent to Rs. 100"

The President said that the Standing Committee had considered the matter and had reported as follows:-

> "It is impossible to frame a law which is inconsistent with the definition of "annual value" as defined all over India.
>
> "The suggested amendment is impracticable on legal grounds and also in practice. The converse i.e. (refunds in cases of decrease in rent during the year) has to be considered.
>
> "The Standing Committee recommend the new section 53 (A) suggested by the Vice President, as they consider that annual revision of assessment will be made easier."

Mr. Jeremiah replied that considering the arguments raised by the Vice President, and the recommendation of the Standing Committee he thought that though the new section may not go far enough, it would go some way; hence he accepted the recommendation of the Standing Committee.

The recommendation of the Standing Committee was then put before the meeting and it was carried.

Resolved that the proposed new section, 53 (A) be published for objections.

(File No.197 of 1922)

(Sd) T. Austin,
President, M.C.

"Copy"

S.B.
17/10/23.

Encl: IV.

No.T.803 Civil and Military Station, Bangalore,

Municipal Office,

28th July 1923.

N O T I C E.

With a view to obtain information from owners whenever the rents of buildings are raised by them, the Municipal Commission, at a Special Meeting held on the 12th July 1923, have approved the amendment of the Bangalore Municipal Law, 1897, by the addition of a new section 53 A as follows:-

"53 (A) Every owner of any building which is let, shall, whenever the rent of such building is raised, give intimation thereof to the Commission within fifteen days from the date of raising such rent."

"Any person failing to furnish such information shall be punishable with a fine which may extend to Rs. 100/-"

2. Objections should reach the President, Municipal Commission on or before the 30th August 1923.

(Sd) T. Austin,

President, M.C.

No. T.804

Copy to the Editor, Daily Post / Editor, Kasim-Ul-Akbar for publication in two alternate issues commencing from 30th July 1923 and supply of 50 slips by the former.

(Sd) G. D. Plummer,

Secretary, M. C.

"Copy"

S.B.
20/10/23.

Enc. V

Proceedings of the Special meeting dated 27th September 1923

---

186. Amendment of the Bangalore Municipal Law 1897, by the addition of a new section 53 (A) requiring owners of buildings which are let to give intimation to the Commission whenever the rent of such buildings is raised by them.

This item was passed by the Commission at a special meeting, held on the 12th July 1923, and published for objections. No objections having been received, the matter is again placed before the Commission for final confirmation before submission to the Hon'ble the Resident.

The Chairman observed that this amendment was passed by the Municipal Commission at a meeting held on the 12th July 1923 and it was published for objections, but none had been received. It was now placed before the Commission for final confirmation.

Resolved that the Hon'ble the Resident be requested to move the Government of India to accord sanction to the amendment to the Bangalore Municipal Law, 1897, by the addition of a new Section 53 (A) as follows:-

"53 (A) Every owner of any building which is let, shall, whenever the rent of such buildings is raised, give intimation thereof to the Commission, within fifteen days from the date of raising such rent." "Any person failing to furnish such information shall be punishable with a fine which may extend to one hundred rupees."

(File No.197 of 1922)

(Sd) C. N. Suryanarayana Rao,
Vice President.

"Copy"

S.B.
20/10/23.

169

S. 23 —R. P. B.—9-1920.—10,000.

Memorandum.

No. 10331.

From Secy to the Resident

Bangalore, dated 12th Dec 1925

To The President
Muni. Commrs
Comsh, &c

LUC

Refce: His letter no. T 1071/157-22, dated the 22nd Oct. 1925 proposing an amendment of the Bangalore Muni. Law, so as to compel house-owners to report increase in rent to the Muni. Commrs.

The Resident does not think that a case has been made out for addressing the Govt. of India in the matter. It is observed that the assessment cannot be altered during the year to which it relates except on the grounds mentioned in sec. 58 (1) of the Bangalore Muni. Law and that nothing would be gained by compelling house-owner to report an increase in rent immediately after it is made. In order to ensure that changes in rents are reported in time

to be considered as con-
nected with the revision
of assessment at the
beginning of each year
it would be sufficient to
serve a printed notice
on each owner or occupier
under sec. 53.

Sd/ A.H.L. Caton.

Secy to the Resident

10/12

10.12.13.

11/12

(170-12 Accounts Branch) 172

A663

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

GENERAL AND REVENUE SECRETARIAT

Dated Bangalore, 23rd November *1923.*

No. 484

PRESIDENT'S OFFICE
Bangalore
Register No. 9458
Date of Receipt 24.11.23.
294/23

From

B. NAGAPPA, ESQ., BAR-AT-LAW,
Secretary to the Government of His Highness the Maharaja of Mysore
Local and Legislative ~~Departments~~ Department.

To

A. N. L. CATER, ESQ., I.C.S.,
Secretary to the Hon'ble the Resident in Mysore,
B A N G A L O R E.

Sir,

SL 167 (Civil Supply Dept)

I am directed to acknowledge the receipt of your letter No. 8470-294-1893 dated the 23rd October 1923 in regard to the measures taken for prevention of large arrears of rents for Municipal houses and to state that a reply will be sent about the middle of the next month on receipt of necessary information called for from the Presidents of Municipal Councils and Deputy Commissioners in the matter.

(The Municipal Commissioners)

I have the honor to be,

Sir,

Your most obedient servant,

B. Nagappa

SECRETARY TO GOVERNMENT,
LOCAL AND LEGISLATIVE DEPARTMENTS.

E.W.M.

Further Communication may be awaited.

30/11

A663

173

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

GENERAL AND REVENUE SECRETARIAT

Dated Bangalore, 2nd January 1924

No. Col 608

BANGALORE
Register No. 18
Date of Receipt 3-1-24
294/23
Revenue Department

From B. NAGAPPA, ESQ., BAR-AT-LAW.,

Secretary to the Government of His Highness the Maharaja of Mysore,
Local and Legislative Departments.

To A.N.L. CATER, ESQ., I.C.S.,
Secretary tothe Hon'ble the Resident in Mysore,

Sir,

S.179 In continuation of my letter No.484 dated 23rd November 1923, I am directed to state that the information called for has not yet been received from some of the officers and that the information so far received shows that no houses constructed out of Municipal Funds are rented out. I am to add that further information will be furnished on receipt of the replies still due from some of the officers.

I have the honour to be,

Sir,

Your most obedient servant,

Nagappa.

Secretary to Government,

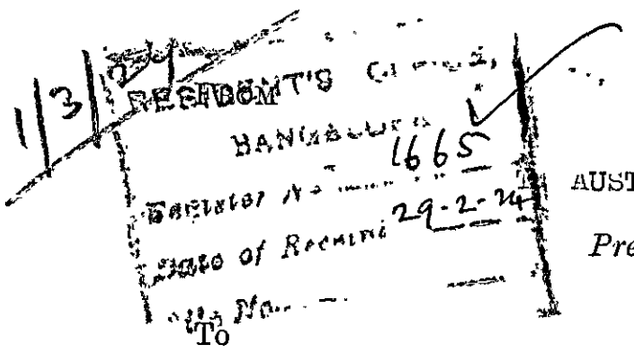
Local and Legislative Departments.

B.R.S.

VP 29/2
No. T.1071/25 Secl Pro

H.O. 6 2,000—25—8—1923. 174

CIVIL AND MILITARY STATION, BANGALORE,
MUNICIPAL OFFICE.
DATED 27 February 1924.



To

AUSTIN, ESQ., I. C. S.,
President, Municipal Commission,
C. & M. Station, Bangalore.

The Secretary to the Hon'ble the Resident in Mysore,
Bangalore.

SIR,

S.169 With reference to your letter No.10351, dated the 12th December 1923, in regard to the Amendment proposed to the Bangalore Municipal Law to compel house-owners to report increases in rent to the Municipal Commission, I have the honour to state that, in view of the observations made by the Hon'ble the Resident, the Commission at their ordinary meeting held on 31st January 1924 resolved that the matter be dropped for the time being. (copy of resolution enclosed) The action suggested in the second sentence of your letter under reference is being taken.

I have the honour to be,
Sir,
Your most obedient servant,

T. Austin
27/2
President, H.C.

S.B.
26/2.
XPF
27/2

Proceedings of an Ordinary meeting of the Municipal Commission dated 31st January 1924.

---

106. Letter No.10,351 dated the 12th December 1923, from the Secretary to the Resident, regarding the amendment proposed to the Bangalore Municipal Law to compel house-owners to report increases in rent to the Municipal Commission.

Recommended that the matter be dropped for the time being.

The President said that in September last the Commission approved of an amendment to the Bangalore Municipal Law 1887 by the addition of a new section 55 A to provide for intimation by owners of houses of increases made in rents. The new section reads as follows:-

"55 (a) Every owner of any building which is let, shall, whenever the rent of such building is raised, give intimation thereof to the Commission within 15 days from the date of raising such rent.

Any person failing to furnish such information shall be liable to a fine which may extend to Rs 100/-".

This was to be sent up in the ordinary way to the Hon'ble the Resident for obtaining the sanction of the Government of India

The following reply was received from the Hon'ble the Resident:-

"The Resident does not think that a case has been made out for addressing the Government of India in the matter. It is observed that the assessment cannot be altered during the year to which it relates except on the grounds mentioned in section 68 (1) of the Bangalore Municipal Law, and that nothing would be gained by compelling house-owners to report an increase in rent immediately after it is made. In order to ensure that changes in rent are reported in time to be considered in connection with the revision of assessment at the beginning of each year, it would be sufficient to serve a printed notice on each owner or occupier under section 55"

The Standing Committee, in the light of the remarks made by

the hon'ble the Resident, recommended that the matter be dropped for the time being.

Mr. Jeremiah enquired whether the action referred to at the end of the Resident's letter was being taken.

The President in reply said that he had instructed the Revenue Manager to see that the printed notices were served to owners or occupiers as required by section 5A.

Resolved that the recommendation of the Standing Committee that the matter be dropped for the time being, be accepted.

(File No.197 of 1936)

Ld/ T. Austin,
PRESIDENT, L.C.

N.B.
MB/S.

"COPY"

K Parameswara Iyer
Despatcher.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

No. Pol 821

Dated Bangalore, 28 Feb 1924

RESID... OFFI...
7/3/24
...ber No. 1687
...ed of Receipt 1.3.24
294/23

From

B. NAGAPPA, ESQ., BAR-AT-LAW,
Secretary to the Government of His Highness the Maharaja of Mysore,
Department.

To

A. N. L. CATER, ESQ., I.C.S.,
Secretary to the Hon'ble the Resident in Mysore,
Bangalore.

Sir,

S.173 In continuation of my letter No. Pol.608 dated the 2nd January 1924 re. recovery of rent for Municipal Houses, I am directed to state that the replies received from all the officers consulted show that no houses constructed out of Municipal funds in the - - State are rented out. I am to add that the Bangalore City Municipal Council have recently constructed 34 houses for the convenience of the poor to be given out on hire purchase system, but the houses have not yet been given to the applicants. The Mysore - - City Improvement Trust Board have till now built 160 poor model -- houses including 14 Health Camp houses. None of these is rented out, but the Health Camp houses are reserved for temporary occupation by poor people free of rent during epidemics and the model -- houses are sold outright to deserving people at upset price.

I have the honor to be,

Sir,

Your most obedient servant,

SECRETARY TO GOVERNMENT,
LOCAL AND LEGISLATIVE DEPARTMENTS.

E.W.M.

No. 4899-A.,

General Department.

Bombay Castle, 10th March 1924.

RESIDENT'S OFFICE,
Register No. 2012
Date of Receipt 13/3/24

From

S. N. Ziman, Esquire, I.C.S.,
Deputy Secretary to the Government of Bombay,
General Department;

To

The Resident in Mysore,
Bangalore

Subject:- Municipal houses.-
Procedure of recovery of rent of ---- .

Sir,

With reference to your letter no. 1890, dated the 28th February 1924, on the above subject, I am directed to state that a reference has been made to the Municipal Commissioner for the City of Bombay and the Chairman, Bombay Improvement Trust, whose reports are awaited. As soon as these are received a reply will be sent to you.

I have the honour to be,
Sir,
Your most obedient servant

For Deputy Secretary to the Government of Bombay,
General Department.

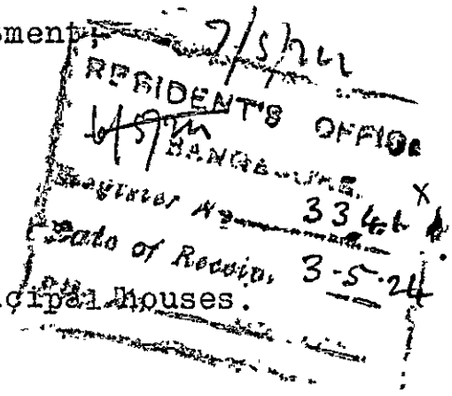
No. 4899-A.,

General Department

Bombay Castle, 1st ~~April~~ May 1924

From

G. A. Thomas, Esquire, I. C. S.,
Secretary to the Government of Bombay,
General Department.



To

The Resident in Mysore,
Bangalore.

Subject:-Recovery of rent for municipal houses.

Sir,

I am directed to refer to your letter no. 8469-Enc.-294-1893, dated the 23rd October 1923, in which it is stated that much difficulty has been experienced for some years past in the collection of rents for houses built by the Bangalore Municipality for the poort in the Civil and Military station, Bangalore, as the Municipal Commissioner is not invested with power either to distrai the property of defaulters or to prosecute them for the non-payment of rent and that the cumbrous procedure of filing civil suits has to be resorted to when a tenant wil not pay his rent. You inquire whether a similar difficult has been experienced in the Bombay Presidency and if so, what measures this Government have taken to meet it by means of special legislation or otherwise.

2. In reply, I am to state that so far as the Government chawls constructed by the Bombay Development Directorate are concerned, rents from the defaulting tenants are being recovered at present through the -- Collector of Bombay under the powers vested in him by sections 13 and 37 of the Bombay City Land Revenue Act 1876, under which all arrears of rent payable by any person in respect of the occupation of any house, the property of Government, are to be realized in the same manner as other revenue demands.

3. The only other bodies in the Presidency which provide housing accommodation for rent are the Bombay Municipal

Municipal Corporation and the Bombay Improvement Trust. Of these, the former body provides -- housing accommodation for a large proportion of its inferior staff and rent in respect of the - quarters so supplied is recovered against the pay of the servants. The Municipality has no properties built by itself which are let to the public but in connection with its development schemes certain properties have been acquired which are rented pending demolition to members of the public. -- Certain steps have been taken by the Corporation under legal advice to get over the difficulties which would arise under the Rent Acts if the relationship of tenant and land-lord subsisted between the Municipality and the occupiers of their premises. However, this arrangement does not enable the Municipality to distrain the property of defaulters. When such a default occurs, the usual procedure of filing civil suits has to be adopted. But considering the value of the properties in question such cases are comparatively rare as the rent collecting establishment is taken to task if rent falls into arrears.

4. The City of Bombay Improvement Trust have not got any power to distrain the property of -- defaulters or to prosecute them for non-payment of rents. In accordance with no. 15 of the Bye-laws (copy enclosed) sanctioned by Government under - section 94 (&) of the City of Bombay Improvement Act, 1898, a defaulter is liable to immediate ejectment. This bye-law is, however, reported to be unworkable.

I have the honour to be,
Sir,
Your most obedient servant,

R. R. Alwala

For Secretary to the Government of Bombay,
General Department.

BOMBAY IMPROVEMENT TRUST.

THE CITY OF BOMBAY IMPROVEMENT ACT, 1898.

By-laws framed by the Board under Section 94 (e) of the above Act for the management, use and regulation of dwellings constructed by the Trustees for the Improvement of the City of Bombay for the poorer or working classes under any Scheme.

1. No room shall be occupied by more than one family.
2. All rents shall be paid in advance before the 5th of each calendar month.
3. Tenants shall personally bring their rents for each month before the 5th of the month to the Office of the Trust at the chawls where the clerk in charge will receive and grant a receipt for the rent paid.
4. The rooms shall be kept in a clean and sanitary condition by the tenants to whom they are let. No cowdung is allowed on the walls or floors and no fixtures must be attached to the walls.
5. The rooms shall be swept out daily by the tenants and the refuse placed in the dust-bin or other receptacle supplied by the Trust on each floor. (If refuse is found anywhere except in the receptacles provided, the tenants of the room nearest to where it is found will be held responsible).
6. All rooms must be turned out and thoroughly cleaned once a week.
7. Nahanis shall not be used as latrines or urinals
8. The tenants shall not spit on the floors or walls.
9. No water, refuse, or other things whatsoever shall be thrown from the verandahs.
10. The tenants shall not use their rooms in such a manner as to be a nuisance or annoyance to adjoining tenants, nor must the rooms be damaged or misused in any way.
11. All cases of sickness and births and deaths must be reported at once to the Sanitary Inspector.
12. No tenant shall bring any animal other than a cat into a building in which he occupies a room.
13. Any goods removed by the Agents of the Trust from the room occupied by tenants, whose tenancy has determined shall be retained by the Trust until claimed by the owners. Should they fail to claim them within 6 months of removal, an advertisement will be inserted for the owners and on failure to claim them within 14 days from the advertisement the goods will be sold, the cost of advertising and any sums due to the Trust being deducted from the sale-proceeds.
14. Tenants shall not sublet their rooms or any part thereof and shall not introduce into their rooms any person suffering from sickness or disease.
15. Upon breach of any of the above by-laws by any of the tenants his tenancy shall cease and determine and he shall be liable to immediate ejectment. In addition or in the alternative at the discretion of the Trust any tenant committing a breach of by-laws Nos. 2 and 14 shall be liable to a penalty of Rs. 3, of by-laws Nos. 7, 8, 9 and 12 Re. 1, and of by-laws 4, 5 and 6 of annas 8, which penalties shall be recoverable by the Board as provided in Section 101 of the Act.
16. In these by-laws the expression "the Act" shall mean the City of Bombay Improvement Act, 1898; and "The Trust" shall mean the Trustees for the Improvement of the City of Bombay.

Q5

R. O. 1.—R. P. H.—16-1921—5,000.

No. 4616 Enc.

294-1893.

FROM

THE HON'BLE Mr. C. C. Watson, C.I.E., I.C.S.,
RESIDENT IN MYSORE.

To

The Political Secretary to the Government of India,
Foreign and Political Department.

Dated Bangalore, 16th June 1894.

SUBJECT:- AMENDMENT OF THE BANGALORE MUNICIPAL LAW, 1897 - COLLECTION OF RENT FOR HOUSES BUILT FOR THE POOR BY THE MUNICIPAL COMMISSION.

SIR,

I have the honour to address you regarding a proposal put forward by the Municipal Commission, Civil and Military Station, Bangalore, for an amendment of the Bangalore Municipal Law, 1897.

2. For some years past, the Municipal Commission has experienced difficulty in collecting rents for houses built by it for the poor because it is not invested with power either to distrain the propert of defaulters or to prosecute them for the non-payment of rent. Under the law as it stands, the Municipal Commission is in the position of a landlord, and has to resort to the cumbrous procedure of filing Civil Suits when a tenant will not pay his rent. Practically all the tenants of the Municipality belong to the poorest classes and they often disappear from the Station either before or when legal proceedings are instituted. As a result large arrears of rent have to be written off every year.

3. In order to obviate the difficulty and to provide for a better control of Municipal buildings, the Municipal Commission proposes that the Bangalore Municipal Law, 1897, should be amended by the insertion of a new Section after Section 67 B as follows:-

"67.C. The Commission may, to promote the safety, health, welfare or convenience of the inhabitants, construct dwellings for housing the poor, cattle sheds, dhoby ghats, bandy stands or any other buildings or structures, and may charge rent or fee for use or occupation of the same.

The provisions of Section 186 shall apply for the recovery of any sum due to the Commission under this Section.

In the case of non-payment of any rent or fee due under this Section the Commission may evict persons in occupation, after one month's notice in writing, without resorting to a Court of law for such eviction."

The amendment was published for criticism but no objections were received. I support the proposal of the Municipal Commission and request that in the circumstances stated the Government of India may be pleased to sanction the amendment of the law as proposed. A draft notification embodying the amendment is enclosed for the approval of the Government of India.

I have the honour to be,

Sir,

Your most obedient servant,

Sd. C.C. Watson.

RESIDENT.

M.V.R.

S. 3.—R. P. B.—6-1920—10,000.

DRAFT. Notification

From

To

In exercise of the powers conferred by the Indian (Foreign Jurisdiction) Order in Council, 1902, and of all other powers enabling him in that behalf, the Gov-Gen. in Council is pleased to amend the Bangalore Mun. Law, 1887, as follows:—

After section 67 B of the Bangalore Mun. Law, 1887, the following section shall be inserted:—

[Here enter sec. 67 C & Govt para. 3 of the letter]

Four 9/6/24

CUG 5/6.

AS 5/6

177

No. 373 I.

Government of India.

Foreign and Political Department

Simla, the 22nd July 1924.

Notification.

In exercise of the powers conferred by the Indian (Foreign Jurisdiction) Order in Council, 1902, and of all other powers enabling him in that behalf, the Governor General in Council is pleased to direct that the following further amendments shall be made in the Bangalore Municipal Law, 1897, namely:-

In section 186 of the said Law -

(a) in sub-section (1), for the words "when any sum is due to the Commission under this Law by any person", the following shall be substituted, namely:-

"when any sum is due to the Commission from any person, either under this Law or on account of rent or other charge for a building or structure leased by the Commission to such person or otherwise in the occupation of such person under the Commission";

(b) After sub-section (4), the following sub-section shall be inserted, namely:-

"(5). When any sum is due to the Commission on account of rent or other charge for such building or structure as is referred to in sub-section (1), the Commission may summarily evict from such building or structure the person from whom such sum is due and any other person in occupation of such building or structure along with or as the representative of the first-named person"

Sd/- J.P.Thompson,

Secretary to the Government of India.

P[illegible]C)

Copy

Copy to the Hon'ble the Resident in Mysore, for information, reference his letter No.4616/294-1893, dated the 10th June 1924.

8178

RESIDENT'S OFFICE
Bangalore
Register No. 5540
Date of Receipt 28-7-24
" No. 94/93

Attested.

M Smith.

Superintendent,
Foreign and Political Department.

All communications should be addressed to the Secretary to the Resident in Mysore, Bangalore, by designation and not by name.

OFFICE OF THE RESIDENT IN MYSORE,

Bangalore, 1/8/ 1924

No. 6119 ENCLOS. /

A copy of the marginally* noted ~~letter, with enclosure,~~ memorandum is forwarded to the President, Muni. Commr C/o M. Stahn, Bangalore, with reference to his letter no. 9298, dated the 18th Sept. 1923.

*No. 373 I dated 22.7.24 of ~~from~~ the Govt. of India For. & Odl. Deptt.

12 16/

Typed MWR 31/7/24.

Sd. A. N. L. Cater.
Secretary to the Resident.

C.U.R. 29/7/24

R. O No. 106. (a)—R. P. B.—7-1924.—2,000.

29/7

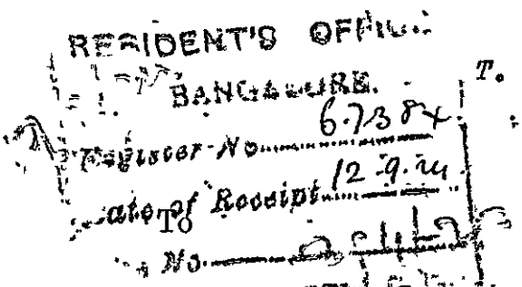
H. O.
2,000—25—8—1923.

No. G. 311/139-24 Gene-3.

CIVIL AND MILITARY STATION, BANGALORE,
MUNICIPAL OFFICE.

DATED 11 September 1924.

FROM



T. AUSTIN, ESQ., I. C. S.,
President, Municipal Commission.
C. & M. Station, Bangalore.

TO

The Secretary to the Hon'ble the Resident in Mysore,
Bangalore.

SIR,

With a view to prevent the capture or destruction of wild birds within the limits of the Civil and Military Station of Bangalore, the District Superintendent of Police suggested the addition of the following new section to the Bangalore Municipal Law after section 152:-

> Section 152 A "Whoever, within Municipal limits, uses any means whatsoever with intent to kill, injure, or capture wild birds of any description, or to remove their eggs, shall be liable to a fine not exceeding ₹ 50/-".

2. The suggestion was placed before the Municipal Commission at a special meeting held on the 31st July 1924 when it was resolved to publish the proposed new section for objections. (Vide copy of resolution No.111, dated the 31st July 1924, enclosed). It was accordingly published for objections (vide copy of this office No.T.491, dated the 6th August 1924, enclosed). No objections having been received, the matter was again placed before the Commission for final confirmation at a special meeting held on the 28th August 1924, when, after discussion, it was resolved that the Hon'ble the Resident be requested to move the Government of India to accord sanction to the addition of the following new section 152 A to the Bangalore Municipal Law in order

to

to enable the Commission to prosecute persons using any means whatsoever and thereby killing, injuring or capturing wild birds, excluding crows and sparrows, or removing their eggs (vide copy of resolution No.111 dated the 28th August 1924 enclosed):-

> Section 152 A "Any person or persons using any means whatsoever, and thereby killing, injuring, or capturing wild birds excluding crows and sparrows or removing their eggs, within the limits of the Civil and Military Station of Bangalore, shall be liable to a fine not exceeding rupees fifty."

3. I request that the Hon'ble the Resident will be pleased to take action accordingly. The Commission in accepting the District Superintendent of Police's suggestion considered that the new section as framed by him was too drastic as it would make persons liable to prosecution even if they attempted to kill, injure, or capture wild birds although they did not actually commit the acts contemplated therein. As crows and sparrows can be a great nuisance. the Commission proposed to exclude them from the operation of the new section

I have the honour to be,
Sir,
Your most obedient servant,

T Austin
10/9

PRESIDENT, M.C.

S.B.
10-9.
ex P.P.
10/9

Municipal Commission's resolution dated 31st July 1924.
(Special Meeting)

111. Suggestion by the District Superintendent of Police that a new section 152 A be added to the Bangalore Municipal Law prescribing the prosecution of any person or persons using any means whatsoever to kill, injure, or capture wild birds, or to remove their eggs.

Recommended that the proposed new section be published for objections.

Resolved that the undermentioned new section 152 A to the B.M.L. be published for objections:-

(Section 152 A) "whoever, within the Municipal limits of the Civil and Military Station, Bangalore, uses any means whatsoever with intent to kill, injure, or capture wild birds of any description, or to remove their eggs, shall be liable to a fine not exceeding Rupees fifty."

Sd/ T. Austin,
President, M.C.

"COPY"
K Parameswaran
11/9

S.B.
11-9.

Civil and Military Station, Bangalore,
Municipal Office

No. T.491 dated the 6th August 1924.

N O T I C E.

With a view to prescribe for the prosecution of any person or persons using any means whatsover to kill, injure, or capture wild birds, or to remove their eggs, the Municipal Commission for the Civil and Military Station of Bangalore, at a special meeting held on the 31st July 1924, proposed the following - amendment to the Bangalore Municipal Law by the addition of a new section 152 A:-

> *152 A "Whoever, within the Municipal limits of the Civil and Military Station, Bangalore, uses any means whatsoever with intent to kill, injure, or capture wild birds of any description, or to remove their eggs, shall be liable to a fine not exceeding Rupees fifty."*

2. Objections should reach the President, Municipal Commission, on or before the 25th August 1924.

Sd/ T. Austin,

PRESIDENT, M.C.

"COPY"

K Parameswaran 11/9

S.B.
11-9

Municipal Commission's resolution dated 28th August 1924. (special meeting).

111. Suggestion by the District Superintendent of Police to add a new section 152 A to the Bangalore Municipal Law, in regard to the prosecution of any person or persons using any means whatsoever to kill, injure or capture wild birds, or to remove their eggs.

Resolved that the Hon'ble the Resident be requested to move the Government of India to accord sanction to the addition of the following new section 152 A to the Bangalore Municipal Law in order to enable the Commission to prosecute persons using any means whatsoever and thereby killing, injuring or capturing wild birds excluding crows and sparrows or removing their eggs.

Section 152 A "Any person or persons using any means whatsoever and thereby killing, injuring, or capturing wild birds excluding crows and sparrows or removing their eggs, within the limits of the Civil and Military Station, Bangalore, shall be liable to a fine not exceeding rupees fifty."

Sd/ T. Austin,

President, M.C.

"COPY"

S.C. Paramaraw Aiyer
1/4/28

S.B.
11-9

R. O. 2—E. P. B.—8-1923.—5,000.

No. 867 ENCLOS. *Dated Bangalore,* 16th October 1924
294-1893.

FROM

A. N. L. Cater, Esq., I.C.S.,
SECRETARY TO THE RESIDENT IN MYSORE.

To

The President,
Municipal Commission,
Civil and Military Station,
Bangalore.

Subject:—

Provision to prevent the capture or destruction of wild birds in the Civil and Military -- Station of Bangalore.

SIR,

With reference to your letter No.G.311/139-24, dated the 11th September 1924, I am directed to enquire whether there is any provision of the kind in Madras and whether the Municipal Commission cannot prohibit the use of -- catapults definitely. The Resident is not inclined to favour this somewhat cumbrous method of stopping the use of catapults in the Station. I am to enquire whether trapping of wild birds in the Station is carried on to any noticeable extent.

I have the honour to be,
Sir,
Your most obedient servant,
sd. A. N. L. Cater.

SECRETARY TO THE RESIDENT.

cmb

H. O.
2,000—25—8—1923.

No. Y.311
139-24

CIVIL AND MILITARY STATION, BANGALORE,
MUNICIPAL OFFICE.
DATED 30th OCTOBER 1924.

RESIDENT'S OFFICE
BANGALORE.
Register No. 7944
Date of Receipt 31.10.24
To

T. B. RUSSELL ESQ., I. C. S.,
President, Municipal Commission,
C. & M. Station, Bangalore.

The Secretary to the Hon'ble the Resident in Mysor
Bangalore

SIR,

With reference to your letter No.8167/294-1893, dated 16th October 1924, I have the honour to state that there is no provision in the Madras City Municipal Act for preventing the capture or destruction of wild birds. Bird life in Bangalore, is, however, much more varied and grea in quantity than in Madras, compared with which Bangalore a garden city. The trapping of wild birds is carried on to a certain extent, and mischievous killing of wild birds is also noticeable.

2. In regard to the second sentence of your letter under reply, I may explain that the object of the Commissio in passing its resolution No.111, dated 28th August 1924, to protect bird life in Bangalore, and was not meant as a method of stopping the use of catapults in this Station. I the Resident wishes the Commission to prohibit the use or possession of catapults definitely, that can be done by the introduction of a new section to the Bangalore Municipal La and I shall place the matter before the Commission if the Hon'ble the Resident desires.

I have the honour to be,
Sir,
Your most obedient servant

B.P.
30/10/24.

PRESIDENT, M.C.

H. O.
6 2,000—25—8.—1923.

No. T. 840 Encl: one
145-24

CIVIL AND MILITARY STATION, BANGALORE,
MUNICIPAL OFFICE.

DATED 22nd December 1924.

FROM

T. B. RUSSELL, ESQ., I. C. S.,
President, Municipal Commission,
C. & M. Station, Bangalore.

To

The Secretary to the Hon'ble the Resident in Mysore.
Bangalore

SIR,

Redrafting of the Bangalore Municipal Law and the Bye-laws.

I have the honour to state that the question of redrafting the Bangalore Municipal Law and the bye-laws framed thereunder, was discussed by the Municipal Commission at their ordinary meeting held on the 18th December 1924, when the following resolution No.198 was passed - Vide copy enclosed:-

> *"Resolved that the redrafting of the Bangalore Municipal Law and bye-laws be entrusted to Messrs Surya Brothers The total cost not to exceed Rs 1,000/-. The law to be completed within three months."*

2. I request that the Hon'ble the Resident will be pleased to confirm the Commission's resolution. The expenditure involved will be provided for in the budget for 1925-26.

I have the honour to be,
Sir,
Your most obedient servant,

PRESIDENT, M.C.

S.B.22-12.

Resolution of an ordinary meeting of the Municipal Commission held on the 18th December 1924.

184/0

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198. Revision and reprint of the Bangalore Municipal Law and the bye-laws framed thereunder.

Recommended that the re-drafting of the Law and the Bye-laws be entrusted to Messrs Surya Brothers. The total cost of the work not to exceed Rs 1,000/-. The law to be completed within three months.

Resolved that the re-drafting of the Bangalore Municipal L and Bye-laws be entrusted to Messrs Surya Brothers. The total cost of the work not to exceed Rs 1,000/-. The law to be compl within 3 months.

Sd/ T. B. Russell,
PRESIDENT, M.C.

"COPY"

22/12/24

S.B.22-12.

H. O.
6 2,000—25—8—1923.

No. T. 840/24 Cont. CIVIL AND MILITARY STATION, BANGALORE,
145 - 24
MUNICIPAL OFFICE.

DATED 15 January 1925

DEPT'S C.. FROM

363
17-1-25.
24/1/25

T. B. RUSSELL, ESQ., I. C. S.,
President, Municipal Commission,
C. & M. Station, Bangalore.

To

The Secretary to the Hon'ble the Resident in Mysore,
Bangalore.

SIR,

Redrafting of the Bangalore Municipal Law and the Bye-laws.

In continuation of this office letter No.T.840/145-1924 dated the 22nd December 1924, on the above subject, I have the honour to state that during the course of the debate at the Municipal Commission meeting held on the 18th December 1924, one of the Commissioners drew attention to clause (f) of Rule 6 of the Election Rules under which "a person shall be disqualified for election as a Commissioner if he is interested, other than as a share-holder in a Joint Stock Company, in any contract made with, or work done for, the Commission," and said that under that rule he was doubtful, if the work could be given to the firm of Messrs Surya Brother as Rao Bahadur C.N.Suryanarayana Rao Garu, Vice-President of the Commission, is a member of that firm, and the work amounted to a contract with the Commission. As there is some basis for the contention that the work falls within the scope of Section 37(1) Bangalore Municipal Law as a contract, or within that of Rule 6 (f) of the Election Rules as work done for the Commission, I promised at that meeting to obtain the orders of the Hon'ble the Resident on the point. I accordingly

now submit it for his orders. In doing so I would state that Mr. Suryanarayana Rao's long connection with this Municipality, his great experience of its work, and his intimate knowledge of its law, would be invaluable in the work of revising its laws and bye-laws. I therefore request that if the Hon'ble the Resident thinks this necessary, he may be pleased to grant Mr. Suryanarayana Rao permission to take up the work referred to as provided for in Section 37(1) Bangalore Municipal Law, and to amend rule 6(f) of the Election Rules in such a way as to clearly exempt Mr. Suryanarayana Rao from the disability imposed by that rule in respect of this and the other legal work of the Commission which he undertakes from time to time. This would be accomplished by the insertion of the words "without the previous permission of the Hon'ble the Resident in this behalf" at the beginning of rule 6(f) and by the issue of an order granting such permission under the amended rule.

2. A copy of the full debate of the Commission is enclosed for information. I request the favour of a very early reply as the re-drafting of the law is being held up by this technical difficulty

I have the honour to be,
Sir,
Your most obedient servant,

PRESIDENT, M.C.

S.B.14-1.

UC. Revision and reprint of the Bangalore Municip
Bye-laws framed thereunder.

Recommended that the redrafting of the law an
be entrusted to Messrs Surya Brothers. the total
work not to exceed Rs 1,000/-. the law to be compl
three months.

The President said that the Commissioner's last reso
on the subject was that the work of the revision and reprint
the Bangalore Municipal Law and the Bye-laws be deferred till
after the next general elections, and that in the meanwhile the
Standing Committee be asked to suggest the best practical means
for getting the work done. The Standing Committee after consid
ing the matter had recommended that the re-drafting of the law
and Bye-laws be entrusted to Messrs Surya Brothers. The total
cost of the work was not to exceed Rs 1,000, and the law was t
be completed within 3 months. In making this recommendation the
Standing Committee had felt, that the first
was to entrust the work to a single agency to put
a legal basis in order to have a fair basis for subsequ
President was of opinion that the arrangement made by
Standing Committee was the most suitable as they
have the advantage of the legal experience and ati
of municipal affairs of the Vice-President.

Mr. Rajagopal Aiyar observed that when the
Standing Committee to suggest some practical
the work done they did not intend that Comm

lawyers might not prepare the draft in the way the Commission would like it done. After all it was only a question of deleting certain portions and recasting certain other portions. This work could best be done by themselves in the first instance and later on entrusted to lawyers for putting it into legal form. The difficulties of each department had to be considered and the revised draft would have to be passed by the President. In the first place they had to decide where to start [they should do in redoing it and in doing so they would have to consult the laws of other Municipalities. It was thus not necessary to spend money on the revision of the law.

The President said that the proposal before them was that the Commission should be reconstituted.

Mr. Mirchandani suggested it was premature to take up the matter at present. He suggested that it be left over to the next session for decision. He requested the President to read the resolution of the Commission on the matter.

Mr. Mirchandani observed that they could not consider the question of deferring the matter in the face of the recommendation before them.

The President read the last resolution of the Commission on the subject for the information of the Commissioners, and urged the acceptance of the Standing Committee's recommendation.

Mr. Mirchandani had gone through the matter carefully, and with [this] considerable experience of this kind of work he could say that redrafting was a very difficult work. The President was certain that the work could not be done by a Committee in the first instance. He was most anxious that everybody's views should be duly considered and it was necessary that somebody should sit down and bring them up-to-date. The whole [law] to be

[illegible] work [illegible]

[illegible] should be done in the ensuing three months so that [illegible] might be able to put it before the new Commission. While [illegible] through past history on the subject, he had observed that [illegible] last occasion it had taken the Commission 5 to 6 years [illegible] the Law and Bye-laws. He had consulted the Residence [illegible] Officer, and strongly recommended the acceptance of the [illegible] before him as it would give them a fair start off. [illegible] was of opinion that the work should not be kept [illegible] another three months because he thought that in the [illegible] they could get on with more portion of it.

Mr. Abdul Latiff point d out that before the re-drafting [illegible] Bye-laws was taken up, it would be better to [illegible] a sub-committee to indicate the lines on which the work [illegible] be done.

The President was sure that it should be a waste of [illegible] of the Commission's time to do this. They were now a [illegible] new Commission and [illegible] expenditure he would [illegible] to [illegible] work with.

Mr. Rajamani Iyer said that he had no objection [illegible] something [illegible] more people [illegible] normal, it was [illegible] that the matter should be deferred, so that there were only 3 months for the new Commission to come in.

The President said that the point to be decided was whether the Commission wanted to get the work done as soon as possible, or whether they intended to continue in their present happy-go-lucky way. He felt that the proposal before the Commission was a practicable one in order to get on with the work.

Mr. Rajamani said that he had seen the President's letter to the Resident, and the Resident's reply in which he had agreed to [illegible] the extra [illegible] for preparing a re-draft of the

Bangalore Municipal Area. Mr. J. Narsh Iyengar that the Vice-President would be the fittest man to take up the work, but from a perusal of clause (1) of Rule 6 of the Election Rules he was doubtful as to whether the Vice President could take up the work, as it amounted to a contract.

The President said that he would submit this point for the President's orders, but prima facie he thought that it would not apply in the present case.

The Vice President observed that he had done legal work for the Municipal Commission for the last 10 or 20 years, and if the rule referred to were applicable he could not have continued to do so.

Mr. Johnson said that the nature of the work proposed to be entrusted to Messrs Surya Brothers did not in his opinion amount to a contract.

Mr. Rajagopal Iyengar said that Mr. Jamshedji's name was not relevant to the work in which it was not a contractor.

Mr. Narsh Iyengar said that it was a contract, and that that was the reason why he had drawn the President's attention to the point. He requested that this point be brought to the notice of the President. On a similar occasion in regard to the purchase of a building site by the Vice President, he had raised a similar objection and the President had ruled that he was quite correct.

The President said that his view was that it was a question of constituting a debt in advance for work to be done, and not a contract. He assured the Commission that neither he nor the Vice President were desirous of imposing the Commission to pay Rs. 1,000 for the work. He was doubtful whether Messrs Surya Brothers would first undertake the work and then settle their fees.

Mr. Rajagopal Iyengar observed that it would be quite unfair

that the lawyers should be asked to undertake the work without first settling a definite fee for it. It would never do for the Commission to bargain a fee lower than that asked for by the lawyers after the work was completed by them. It would not be business-like to do so. They would have to decide the amount they were prepared to pay, before they asked the lawyers to undertake the work.

The President put the recommendation of the Standing Committee to the meeting and it was carried.

Resolved that the re-drafting of the Bangalore Municipal Law and bye-laws be entrusted to Messrs Surya Brothers. The total cost of the work not to exceed ₹ 1,000. The law to be completed within three months.

(File No.145 of 1884)

"Copy"

Sd/. T.B. Russell
President, M.

_____ DEPARTMENT. File No.

_____ BRANCH. Serial No.

Draft ~~Letter~~ ~~Memorandum~~ Telegram

Heading :

Case or Diary No. _____

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Date of despatch of above _____

List of enclosures _____

(Code word for telegrams.)

~~Class for Telegrams~~ ORDINARY. ~~EXPRESS.~~

No. 798 Dated 29/1/1925

From The Secretary to the Resident

To

The President, Municipal Commr.
Cantonment, Bangalore

Subject. New ... of the Bangalore Municipal Law & Bye-laws

Sir,

In reply to your letter No. T. 840/24 / 145-24, dated the 15th January 1925, I am directed to state that the Resident is pleased to confirm the resolution of the Munl. Commr. proposing that the work may be entrusted to Messrs. Sunya Chetty. They may be asked to consult you on doubtful points.

Mr. Sunyanarayana Rao's long administration experience in the Munl. Commr. should enable him in most cases to decide what to adopt from Madras and what to omit.

I am to add that the work is not a contract and does not affect section 37(1), B.M. Law. ~~Election rules.~~

Thanks, &c.

S. 5.

SGPI—S27—165DCFS—19-11-23—4,00,000.

_____ DEPARTMENT.

_____ BRANCH.

File No.

Serial No. 67

Draft ~~Letter~~ ~~Memorandum~~ ~~Telegram~~

Heading :

Case or Diary No.

If post copy of telegram required

Date of despatch of above

List of enclosures

Class ~~for Telegrams~~ ORDINARY. ~~EXPRESS.~~

No. Dated 19

To The Hon'ble the Resident in Mysore

Not

(Code word for telegrams.)

No. 9, Dated Bangalore 30/1/25

The following draft of an amendment which it is proposed to make in the rules for the election of Municipal Commissioners issued under the Resident's Notn. No. 6975, dated 11th February 1904, is published for general information, as required by Section 180 of the Bangalore Municipal Law, 1897, and notice is hereby given that the draft will be taken into consideration on or after the 28th March 1925.

Any objection or suggestion which may be received from any person in respect of the said draft before the date aforesaid will be considered by the Hon'ble the Resident in Mysore.

P.T.O.

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*Delete if not required

S. 5.

SGPI—827—165DOFS—19-11-23—4,00,000.

Baapu amendment

The words "or work done for" in Rule 6 (f) of the above rules shall be omitted.

Sd/ HHR Calep

Secretary to the Resident

Sent with 5011

To be put with the Residency order No. 876 d 30. 1. 25

Copy forwarded to the Resident N.E., C.M. Station of Bangalore, for information, in continuation of letter from this office N 798, dated the 29th January 1925

S.186

Secy to the Resident

C.M.S. 29/1/25

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_____ DEPARTMENT.

_____ BRANCH.

File No.

Serial No. 188

Draft ~~Letter~~ ~~Memorandum~~ Telegram

Heading :

Class ~~for Telegrams~~ ~~ORDINARY.~~ EXPRESS.

Case or Diary No.

If post copy of telegram required

Date of despatch of above

List of enclosures

No. 24 Dated 6/3/1925

To The Hon'ble the Resident in Mysore

NOTN

N. Dated Bangalore

(Code word for telegrams.)

In exercise of the powers conferred by Sections 8 (2) and 175 (1) (d) of the Bangalore Municipal Law, 1897, the Hon'ble the Resident is pleased to make the following amendment in the rules published with his Notn No. 675, dated the 11th February 1904:-

Amendment

The words "or work done for" in Rule 6 (4) of the above rules shall be omitted.

Resident

2.3.25

To be published in the Mysore Gazette.

To The Accountant, Mr., Cen. Br. of the Bangalore, in copy of endt No. 874, dated the 30th Jan. 1925.

2/3/25

S. 5.

SGPI—S27—165DCFS—19-11-23—4,00,000.